

**IN THE COURT OF THE SPECIAL JUDICIAL FIRST CLASS
MAGISTRATE FOR EXCISE CASES : HYDERABAD.**

**PRESENT: SMT. S. SREE DEVI,
SPL. JUDICIAL FIRST CLASS MAGISTRATE
FOR EXCISE CASES, HYDERABAD.**

Dated this the 28th day of February, 2025.

C.C.No. 435 OF 2023

Between:

The State through the Sub-Inspector of Police,
Mangalhat Police Station, Hyderabad.

.... **Complainant.**

A N D

T. Raja Singh,
S/o. T. Naval Singh,
Age. 45 years, Caste: BC-Lodha,
Occ. MLA of Goshamahahal
Constituency, Hyderabad.
R/o. H.No. 13-2-292/7,
Aram Ghar Colony,
Mangalhat, Hyderabad.

.... **Accused.**

This case is coming on before me for final hearing in the presence of Smt. Anitha Deshmuk, Learned A.P.P, for the State and of Sri. K. Karuna Sagar, Advocate Counsel for Accused and after having stood over for consideration, till this day, the Court delivered the following :

:: J U D G M E N T ::

1. The then Sub-Inspector of Police, Police Station Mangalhat has filed charge sheet against the Accused for the offence U/Sec. 298, 504 IPC.

2. The case of the prosecution is that :

i) On 25-03-2023 at 17.30 hours, the defacto complainant/ Md. Jahangir lodged a complaint to the police stating that, on 25-03-2023 at 3.00 PM he received a WhatsApp video with a length of 1 min 35

seconds circulating on social media, wherein Accused made a self-recorded video with objectionable comments against their Muslim community and he stated that on 09-04-2023 he is going to organize a religious meeting at Biloli, Maharashtra State and same is objecting by local people with filing representation. In this regard, he made provocative comments in Hindi language by challenging to organize the program with Hindu groups and also commented as “Kya Chatrapathi Shivaji Maharaj ke malve ki takat jaada hai, ya Afzal Khan ke Najayiz auladoo ki sankya jada hai, yeh nau tareekki sabha hogi, na-hogi pata chelega”. Hence he requested to take necessary action against accused for the objectionable video, which is promoting enmity between two communities.

iii) As per the contents of complaint LW5/K. Raju SI of Police registered in Cr.No.96/2023, for the offence U/Sec. 153-A IPC and took up investigation.

iv) During the course of investigation, LW5/K. Raju SI of Police examined and recorded the statement of PW1. He got downloaded the said video from complainant's cellphone in DVD (make HP) contains the said objectionable self-recorded video of accused from the complainant with assistance of LW4/T. Bhaskar PC 30942 along with certificate U/sec.65-B of Indian Evidence Act. He served a Notice U/sec. 41-A Cr.P.C dt. 18-04-2023 to accused.

v) On the request of LW5/K. Raju SI of Police, LW3/The Secretary to Telangana Legislative Assembly, Hyderabad provided the DVD (Make of SONY Corporation) containing the Video with Audio clips of accused which was delivered on the floor of T.S. Legislative Assembly for the purpose of Investigation purpose to compare the accused circulated video.

vi) LW5/K. Raju SI of Police sent the forwarded 1. DVD (Make HP, which was collected from PW1 and 2. DVD (Make of SONY Corporation, which was collected from LW4/T. Bhaskar PC 30942 as specimen voice) to T.S.F.S.L, Hyderabad for comparison vide Receipt No. SFSL(TS)/4292/FAV/46/23, dt. 12-05-2023 and report is awaited. After receipt of report, the same will be filed before the court separately.

vii) On transfer and relieved of LW5/K. Raju SI of Police from PS Mangalhat and as per the instructions of SHO, LW6/B. Rambabu, SI of Police received case file from LW5/K. Raju SI of Police for further investigation. He perused the case file and came to know the case facts. He secured the presence of witnesses i.e., PW2 examined him, recorded his statement. PW3 alter the Section of Law from Section 153-A IPC to Section 298, 504 IPC and sent the section alteration memo to the court. After completion of the investigation he filed the charge sheet against the accused.

3. This court took the cognizance of the offence U/Sec. 298, 504 IPC against accused.

4. Copies were furnished to the Accused as laid under Section 207 Cr.P.C. Further, the Accused was examined U/Sec.239 Cr.P.C for which he denied the offence. and the Accused pleaded not guilty and claimed for trial.

5. The prosecution have cited (7) witnesses and got examined PW1 to PW3 and got marked Ex.P1 to Ex.P5.

6. After the closure of prosecution evidence, the Accused was examined under Section 313 of Cr.P.C with regard to the incriminating evidence adduced by the prosecution against the Accused, for which the Accused denied the same and reported no defence evidence on his behalf.

7. Heard. Perused the record.

8. Now the point for consideration is :

Whether the prosecution has proved the guilt for the offence U/Sec. 298, 504 IPC beyond all reasonable doubts?

POINT:

9. PW1 stated that on 25-03-2023 he gone through a video in social media through Facebook in which he noticed that accused commented as “Kya Chatrapathi Shivaji Maharaj ke malve ki takat jaada hai, ya Afzal Khan ke Najayiz auladoo ki sankya jada hai, yeh nau tareekki sabha hogi, na-hogi pata chelega”. The said words hurt the feelings of Muslim Community. On observing the video he lodged a complaint with the police.

10. In the cross examination it was elicited that he received the above said message to his cellphone when the same was sent by one of his friends. It was elicited that Ex.P1 was scribed by Raju SI of police, Mangalhat on his narration. A question was put by counsel for accused as “who is Afzal Khan” witness answered he is a person. It was suggested to him that he is no way concerned to the comment made by accused and do not have any reason to get hurt, for which he denied. It was also elicited that he know that forwarding and objectionable video is also an offence but he did not gave any complaint against his friend Shareef. It was elicited that he did not gave any complaint against the objectionable videos targeting other communities and but lodged Ex.P1 only at the instance of police.

11. PW2 stated that on 06-08-2023 he has gone through the video in the social media through Whatsapp in which accused commented “Kya Chatrapathi Shivaji Maharaj ke malve ki takat jaada hai, ya Afzal Khan ke Najayiz auladoo ki sankya jada hai, yeh nau tareekki sabha hogi, na-hogi pata chelega” and those words hurt the feelings of Muslim community.

12. In the cross examination he stated that he do not know who is Afzal Khan. He admitted that it does not amount to tarnishing the image of the entire community if only one person of the community was targeted . It was suggested to him that accused did not targeted people belonging to any community but out of grudge as PW2 belongs to MIM party he is deposing falsehood, for which he denied.

13. PW3 stated that on 25-03-2023 LW3/Raju the then SI of Police received Ex.P1 from PW1 and registered a case and issued FIR to all concerned. He examined and recorded the statement of PW1. He downloaded the objectionable video from the mobile of PW1 and stored the same in DVD with the assistance of LW4/Bhaskar and obtained certificate issued by him under the provisions of 65-B of Indian Evidence Act. He also issued notice under the provisions of 41-A Cr.P.C. to the accused. Later PW3 obtained the audio and video samples of the accused which was delivered by the accused during the Assembly Sessions and sent the same to FSL for comparison. Later on completion of investigation he laid charge sheet by alter the section of law from 153 A to 298, 504 IPC.

14. In the cross examination it was elicited no case was registered against the person who shared the objectionable video to PW1 through Whatsapp. He stated that he do not know whether forwarding of objectionable video is also an offence as per the Information Technology Act and he even do not know whether commenting one person belonging to a particular community will not amount to commenting entire community. He also admitted if a person belongs to a particular community was referred as "Thief" it will not amount referring the entire community people as "Thieves". He admitted the statement of PW2 was recorded five months after issuance of Ex.P2. It was suggested to him that PW2 is stock witness pertaining to Mangalhat police station and deposed against the accused in two other cases, for which he denied. It was suggested to him that without

verifying the investigation done by LW5/Raju he filed the present charge sheet, for which he denied.

15. It is the version of prosecution that accused released a video which contained objectionable comments against Muslim community and he made provocative comments by commenting “Kya Chatrapathi Shivaji Maharaj ke malve ki takat jaada hai, ya Afzal Khan ke Najayiz auladoo ki sankya jada hai, yeh nau tareekki sabha hogi, na-hogi pata chelega”.

16. To substantiate the above said version, prosecution examined three witnesses. PW1 stated that the words spoken by accused hurt the feelings of Muslim community. In the cross examination PW2 categorically stated that he did not gave the mobile number through which he received the video. A reference was made in a said video that “Afzal Khan Ke Najayiz Avaloou Ke” but the witness failed to to say as who is Afzal Khan. But he stated that he was offended by the comment made by the accused as “najayaz auladoo”. He did not even submitted the video clippings contained the objectionable comments of the accused to the police. Even PW2 stated that Afzal Khan is a person and categorically admitted that he is not a friend or relative and he categorically admitted that it will not amount to tarnish the image of the entire community is one person of the community was targeted. It is surprising to see that before receiving the report from TSFSL Hyderabad the present charge sheet was filed against the accused in a hurried manner.

17. When prosecution is contending that accused posted the objectionable video it is the burden of the prosecution to show that objectionable video relates to accused and contains his voice. That as per will be clarified when once expert opinion was received about the genuineness, authenticity and correctness of the video. Further Investigation reveals that the audio video clippings of the accused which are at Assembly were procured and sent to TSFSL along with the objectionable video but without obtaining any report the present charge sheet was filed. Admittedly the objectionable video was not found in the record as it was sent to TSFSL. Absolutely there is no evidence in the record to show that accused is the same person who was found in the objectionable video which was posted in the social media. It is surprising to see as it was becomes objectionable if accused referred one Afzal Khan. No proper explanation was given by any of the witnesses as how the feelings of the Muslim community were hurt because of comments of the accused. Above and all, the very objectionable video itself was not found in the record and hence absolutely there is no basis for the allegations made by the prosecution against the accused. Hence by considering all the above said aspects, it was felt that prosecution utterly failed in bringing home the guilt of accused beyond reasonable doubts. Hence accused was acquitted.

18. In the result, Accused was found NOT GUILTY for the offence punishable U/Sec. 298, 504 IPC. Hence Accused was acquitted under section 248(1) Cr.P.C. The bail bonds of the accused stood cancelled and the sureties will be discharged after the lapse of appeal time. As there is no property involved in this case, no separate property order was passed.

Typed my dictation directly by Stenographer, corrected, signed and pronounced by me in open court, on this the 28th day of February, 2025.

**SPECIAL JUDICIAL FIRST CLASS MAGISTRATE
FOR EXCISE CASES: HYDERABAD.**

**APPENDIX OF EVIDENCE:
WITNESSES EXAMINED FOR:**

PROSECUTION

PW1: Md. Jahangir, Complainant.

PW2: Mohd. Samad Warsi, Witness.

PW3: N. Sai Krishna, SI of Police, Investigating Officer.

DEFENCE :

- Nil -

EXHIBITS MARKED:

Ex.P1: is the Complaint.

Ex.P2: is the FIR.

Ex.P3: is the Certificate U/Sec. 65-B of Indian Evidence Act.

Ex.P4: is the Notice U/Sec. 41-A Cr.P.C.

Ex.P5: is the Section of Law Alteration Memo.

MATERIAL OBJECTS MARKED:

- Nil -

**SPECIAL JUDICIAL FIRST CLASS MAGISTRATE
FOR EXCISE CASES: HYDERABAD.**

**IN THE COURT OF THE SPECIAL JUDICIAL FIRST CLASS MAGISTRATE
FOR EXCISE CASES : HYDERABAD.**

CALENDAR AND JUDGMENT

C.C. NO : 435 OF 2023

DATE OF :

Offence	: 25-03-2023
Report	: 25-03-2023
Apprehension of accused	: Issued Notice U/Sec. 41 (A) Cr.P.C
Released on bail	: --
Filing of Charge sheet	: 02-09-2023
Taking Cognizance	: 11-12-2023
Furnishing of copies to accused	: 10-01-2024
Plea of Accused	: 14-02-2024
Commencement of trial	: 24-07-2024
Closure of trial	: 08-12-2024
Examination U/S.313 Cr.P.C.	: 16-01-2025
Judgment or Order	: 28-02-2025
Name of the complainant	: The Sub Inspector of Police, Mangalhat Police Station

Name of the Accused :

T. Raja Singh, S/o. T. Naval Singh, Age. 45 years, Occ. MLA
Goshamahahal Constituency, R/o. Mangalhat, Hyderabad.

Reasons for delay : --

Offences under Section : 298, 504 IPC

Finding : Found not guilty.

Result: In the result, Accused was found NOT GUILTY for the offence punishable U/Sec. 298, 504 IPC. Hence Accused was acquitted under section 248(1) Cr.P.C. The bail bonds of the accused stood cancelled and the sureties will be discharged after the lapse of appeal time. As there is no property involved in this case, no separate property order was passed.

SPECIAL JUDICIAL FIRST CLASS MAGISTRATE
FOR EXCISE CASES: HYDERABAD.

To:

The Hon'ble I Addl. Metropolitan Sessions Judge, Hyderabad.

Remarks: :

Calendar Case No. : 435 OF 2023

Date of Judgment : 28-02-2025

Dis No. /SPL.JFCM/HYD/2025, Date:

