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R.C.C. No. 265/2015, Judgment
State Vs. Anil Varma (Exh.61)

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Form No. XXXII**PART 'A'****(Para 44(i) of Chapter VI of Criminal Manual)**

<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,</u> <u>(COURT No.1), CHANDRAPUR</u>	
Present: R.S.M. Shaikh, Judicial Magistrate First Class, Chandrapur.	
Date of the Judgment: 14/08/2026	
Regular Criminal Case No.265/2015	Exh. No.61
(Crime No. 28/2015 of Chandrapur City Police Station)	
COMPLAINANT	: State of Maharashtra Through : Chandrapur City Police Station.
REPRESENTED BY	: Shri. S.D. Derkar, Learned A.P.P.
ACCUSED	: Anil Hiralal Varma Age - 37 years, Occ.: Business, R/o. Samadhi Ward, Near Mahadeo Temple, Chandrapur. Tah. and Dist.- Chandrapur.
REPRESENTED BY	: Learned advocate Shri. R.M. Zulkanthiwar.

PART 'B'**(Para 44(ii) of Chapter VI of Criminal Manual)**

Date of Offence	:	26/01/2015
Date of F.I.R.	:	26/01/2015
Date of Charge-sheet	:	13/04/2015
Date of Framing of Charge	:	08/08/2016
Date of commencement of evidence	:	24/06/2017

(2)

R.C.C. No. 265/2015, Judgment
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Date on which judgment is reserved	:	----
Date of the Judgment	:	14/08/2026
Date of the Sentencing Order, if any	:	----

Accused Details

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of Sec. 428 of Cr.PC.
1.	Anil Hiralal Varma	26/01/2015	27/01/2015	Section 354-D and 506 of the I.P.C.	Acquitted	Not applicable	----

PART 'C'**(Para 44(iii) of Chapter VI of Criminal Manual)****LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution :**

RANK	NAME	EXH	NATURE OF EVIDENCE
P.W.1	Rajkumar Gopal Nandabanshi	18	Spot Panch
P.W.2	Mother of the prosecutrix	21	Witness
P.W.3	The prosecutrix	25	Informant & Victim
P.W.4	Pradip Shankar Kolhe	31	Witness
P.W.5	Chhaya Ishwar Kuttarmare	37	Witness
P.W.6	Tukaram Sakhamramji Ade	56	Investigating officer

B. Defence Witnesses, if any:

RANK	NAME	EXH.	NATURE OF EVIDENCE
Nil			

C. Court Witnesses, if any:

RANK	NAME	EXH.	NATURE OF EVIDENCE
Nil			

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

Sr. No.	Exhibit Number	Description
1.	Article 1 and 2	Two Photographs
2.	Exh.26	Report
3.	Exh.27	F.I.R.
4.	Exh.19	Spot Panchnama

B. Defence:

Sr. No.	Exhibit Number Admitted by Defence	Description
Nil.		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
Nil.		

D. Material Objects:

Sr. No.	Exhibit Number	Description
Nil.		

J U D G M E N T**(Delivered on 14th day of August, 2026)**

The accused is facing the trial for the offences punishable under sections 354-D and 506 of the Indian Penal Code, 1860 (for short 'the I.P.C.').

2] The facts giving rise to the trial against the accused can be summarized as follows.

On 26.01.2015 the informant/victim (hereinafter referred as 'the prosecutrix' for the purpose of securing her identity) lodged a report to Chandrapur City Police Station. It is alleged through this report that, she is studying in the M.Sc. second year in Sardar Patel College, Chandrapur. However, since the year 2013, the accused Anil Varma comes to the college and he has been stalking her on her way from house to the college. He makes obscene gestures with his hands and attempts to molest her. However, due to fear she has not informed her mother about this matter.

3] Further, on 26.01.2015 at about 11.00 a.m. the accused and one unknown woman came into courtyard of their house. At that time, they were telling her mother "Want to marry with your daughter". So, her mother asked them to sit on the chairs in the courtyard and she went inside the house. At that time, the prosecutrix came outside and then the accused threatened her that "If you do not marry, I will kill you." Therefore, she went inside the house. Immediately, her mother called one Raju Nannaware on his mobile phone and informed about the incident. When they came outside to check, the accused Anil and the woman with him had already left. It was then she informed her mother about the incident occurred with her. Hence, the prosecutrix lodged report against the accused.

4] On the basis of said report Chandrapur City Police Station have registered the crime No. 28/2015 against the accused

for the offence punishable under sections 354-A, 354-D and 506 of the I.P.C. The investigation was carried out by PHC Shri. Tukaram S. Aade. During investigation, he has prepared spot panchnama of the scene of offence in presence of two panch witnesses. Further, he has recorded statements of witnesses as per their say. After completion of investigation, the police report (charge-sheet) came to be filed against the accused.

5] My learned predecessor had framed charge against the accused for the offence punishable under sections 354-D and 506 of the I.P.C. vide Exh.13 and the separate plea of the accused was recorded vide Exh.14. The accused pleaded not guilty and claimed to be tried. The statement of the accused under section 313 (1) (b) of the Criminal Procedure Code (for short 'the Cr.P.C.') was recorded vide Exh.58. Perusal of the same and the way of cross-examination on his behalf it reveals that, defence of the accused is of total denial and false implication in the alleged crime.

6] Heard the learned A.P.P. Shri. S. D. Derkar for the State and the learned advocate Shri. R. M. Zulkarniwar for the accused at sufficient length.

7] The following points arise for my determination to which I have given my findings thereon are as under.

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Does the prosecution prove that on 26.01.2015 at about 11.00 a.m. at Hospital Ward, Chandrapur the accused committed stalking following and contacting the informant to foster personal	

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
	interaction repeatedly despite a clear indication of disinterest by her and thereby committed an offence punishable under section 354-D of the I.P.C?	No.
2.	Does the prosecution prove that on the aforesaid date, time and place the accused committed criminal intimidation by threatening the prosecutrix to kill her and thereby committed an offence punishable under section 506 of the I.P.C. ?	No.
3.	What Order ?	The accused is acquitted.

ARGUMENTS

8] The learned A.P.P. Shri. S.D. Derkar argued that, the prosecutrix deposed in line with her report. In her cross-examination there is nothing which will fatal to the prosecution case. Moreover, PW.2 and PW.4 who are mother and the relative of the prosecutrix respectively have also deposed in line with the prosecutrix and they cannot be said to be the interested witnesses. Moreover, prompt FIR is filed in the present matter. Lastly, the prosecution has proved their case beyond all reasonable doubts. Hence, he prayed for convicting the accused as per law.

9] On the contrary, the learned advocate for the accused Shri. R.M. Zulkarnithiwar argued that panch witness has not supported the prosecution case and his evidence is not reliable. He is the regular panch of police. Further, evidence of mother of the prosecutrix is also not cogent. Moreover, PW. 4 Pradip is the hearsay

witness and P.W.5 Chhaya turned hostile. The prosecutrix has filed false report against the accused on the say of her mother. So, considering all these things doubt arises over case of the prosecution. The prosecution failed to prove the alleged offence beyond all reasonable doubts. Hence, he prayed for acquittal of the accused.

REASONS

As to Point No. 1 : -

10] First of all, while appreciating the evidence of the witnesses, the definition of “proved” given under section 3 of the Indian Evidence Act needs to be looked into. It states that, a fact is said to be proved when, after considering the matter before it, the court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists. So, in criminal cases standard of proof beyond reasonable doubt of a prudent man is to be adopted. Therefore, let us consider the oral and documentary evidence on record.

11] In order to prove the charges leveled against the accused, prosecution strongly relied on testimony of the prosecutrix (P.W.3) who is the star witness as she is not only the informant but also the victim in this case. She deposed vide Exh.25 that, she knows the accused and on 26.01.2015 at about 11.00 a.m. the accused came to her house along with one woman. Further, they made a demand for marriage with her before her mother. Previously, the accused had been constantly stalking her. She further deposed that she had told her mother and family members about this so her mother refused

their proposal. Therefore, her mother called her brother-in-law on his mobile phone. Subsequently, the accused threatened them that if they did not comply, he would kill them and after that he left. She also deposed about lodging of report (Exh.26) and registration of F.I.R. (Exh.27) on the basis of the said report and their contents to be true and correct. She further deposed that Police have recorded her statement and her statement was also recorded in the Court. She has identified the accused. The learned advocate for accused took cross-examination of the prosecutrix. However, nothing has been elicited from the cross-examination. Further, she denied the material suggestions.

12] The prosecution to corroborates testimony of the prosecutrix has examined her mother (PW.No.2) vide Exh.21. She deposed that, the prosecutrix is her daughter. Further, the incident occurred on 26.01.2015. At around 11.00 a.m. the accused came to their house. He asked her daughter, "Where is your mother?" After that, he said "He want to marry her". Thereafter, she called her relatives. After calling the relatives, until they could arrive the accused threatened her daughter saying, "Marry me or else I will beat you." Subsequently, he left. During her cross-examination she denied the material suggestions.

13] The prosecution has also examined the panch witness Rajkumar Gopal Nandbanshi (PW.1) who deposed that, on 27.01.2015 the police called him to the Zilla Parishad Quarters, Chandrapur to act as a Panch witness. The police prepared the spot panchnama in his presence. He also identified and deposed that the

contents of spot panchnama (Exh.19) to be true and correct. Further, in his presence police took photographs on the spot. During the cross-examination he deposed that police had not given him a written notice to act as a Panch. Further, he did not recollect the four boundaries of the spot of the incident. He denied the material suggestions.

14] The prosecution has further examined the witness Pradip Shankar Kolhe (P.W.4) who deposed that, he knows the prosecutrix and her mother as he is having family relations with them. He knows the accused because the prosecutrix had informed him about the accused stalking her. On 26.01.2015 the accused Anil had asked the prosecutrix to marry him and threatened to kill her if she did not marry him. The prosecutrix gave this information to him when he went to her house. Therefore, he, the prosecutrix, her mother and brother-in-law went to the police station to lodge a complaint.

15] He also deposed that in the year 2013, the prosecutrix had also informed him that when she was in college, the accused used to stalk her and make obscene gestures. However, he told her to focus on her studies and they would look into it later. Accordingly, he spoke to the accused regarding this matter in the year 2013. However, even after that, there was no change in the behavior of the accused. During his cross-examination he admitted that he is aware that the prosecutrix and the accused were living in the same locality five to six years prior to the alleged incident. He denied the material suggestions.

16] The prosecution has further examined the witness Chayya Ishwar Kutarmare (PW.5) vide Exh.37. However, she turned hostile and did not support the prosecution case. Therefore, the learned A.P.P. asked her leading questions as per section 154 of the Indian Evidence Act but of no use. Hence, it is meaningless to discuss her evidence in detail.

17] The prosecution has further examined the investigating officer Shri. Tukaram Sakharam Aade (PW.6) who deposed that, in the month of January 2015 he was attached to Chandrapur City police station as a Police Hawaldar. Further, he received investigation of crime bearing No.28/2015 under sections 354-D and 506 of the I.P.C. At that time, he has received report and F.I.R. Thereafter, he has prepared spot panchnama. The spot of incident is quarter of Jubilee School. The said spot was shown by the prosecutrix. He identified the spot panchnama (Exh.19) and his signature thereon. He also identified and deposed about photographs (Article-1 and 2). Thereafter, he has recorded statements of the witnesses as per their say. He also deposed about the filing of charge-sheet in the court. During his cross-examination he admitted that, they select panch witnesses whenever there is a need. However, he denied the material suggestions.

18] At this juncture, it is worthwhile to consider the position of law for which the accused is facing trial. The accused is facing trial for the offence punishable under section 354-D and 506 of the I.P.C. The essential ingredients of section 354-D of the I.P.C. are “*Any man when follows a woman and contacts, or attempts to contact such*

woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman commits the offence of stalking' etc. Further, ingredients of section 506 of the I.P.C. are 'Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation'.

19] Keeping in mind the above legal parameters, it is necessary to look into the evidence brought on record. The record shows that the testimony of the prosecutrix varied slightly from her report (Exh.26). It is seen that the report (Exh.26) shows that she has alleged that since the year 2013, the accused Anil Varma came to the College. Further, he has been stalking her on her way from house to the college. Even he makes obscene gestures with his hands and attempts to molest her. However, evidence of the prosecutrix (Exh.25) shows that she has only deposed that previously the accused had been constantly stalking her. In her evidence she has not deposed as to the starting and ending points of the alleged stalking by the accused. Further, she has not deposed about the particular times, dates and the exact routes where the accused was stalking her.

20] Further, there is no evidence on record showing that the prosecutrix made it clear that she did not want contact with the accused e.g. explicit verbal rejection. Further, it is the duty of

prosecution to prove that the accused persisted despite this clear lack of consent but they failed to prove the same. Moreover, there is no C.C.T.V. footage, photographs and records of previous police complaints or restraining orders to substantiate the contention of the prosecutrix. The prosecutrix in her report (Exh.26) stated that due to fear she has not informed her mother about the alleged stalking. However, during evidence before the court she deposed that she had told her mother and family members about the alleged stalking. Therefore, the versions of the prosecutrix are contrary. Moreover, mother of the prosecutrix has not uttered a single word about the alleged stalking. More so, oral evidence of the prosecutrix about the stalking is very cryptic. Even the prosecution has not examined any witness who has observed the stalking.

21] It is case of the prosecution that the accused along with one unknown lady came to house of the prosecutrix. However, the investigating officer did not take any pain to find out who was the said lady. Moreover, he has not recorded her statement or made her accused in the present case. More so, the prosecution has not examined Raju Nannaware to whom mother of the prosecutrix has informed about the alleged incident.

22] It is seen that though the prosecution has examined P.W.4 Pradip to support version of the prosecutrix. However, he is the hearsay witness. Further, he has not deposed the particular date on which the prosecutrix has informed him about the alleged stalking. So, his evidence does not seem cogent and reliable. This creates doubt that accused has committed the alleged offence. Though the

investigating officer and panch witness have supported to the case of prosecution. However, their evidence will not be helpful for cause of the prosecution as evidence of the material witnesses is not cogent and reliable. Hence, considering the same it can be said that the ultimate fact is not proved in this case. Hence, I am giving my finding to point No.1 in the negative.

As to Point No.2 : -

23] It is seen that, to prove offence under section 506 of the I.P.C. the prosecution has examined four witnesses. The prosecution has mainly relied on evidence of the prosecutrix and her mother to prove the alleged offence punishable under section 506 of the I.P.C. The prosecutrix deposed that the accused threatened her to kill. On the other side, mother of the prosecutrix deposed that the accused threatened them to beat. Therefore, the evidence of these witnesses is not consistent with each other on the point of alleged offence. Hence, evidence on record as regard to section 506 of the I.P.C. is also not satisfactory. Moreover, the mere expression of any words without any intention to cause death would not be sufficient to bring the accused person under the ambit of section 506 of the I.P.C. Hence, I am of the view that the prosecution has miserably failed to prove guilt of the accused under section 506 of the I.P.C. So, I am giving my finding to Point No.2 in the negative.

As to Point No. 3 : -

24] In our administration of criminal justice an accused is presumed to be innocent unless such a presumption is rebutted by the prosecution by producing the evidence to show him to be guilty

of the offence with which he is charged. Further, if two views are possible on the evidence produced in the case, one indicating to the guilt of the accused and the other to his innocence, the view favourable to the accused is to be accepted. In cases where the court entertains reasonable doubt regarding guilt of the accused then the benefit of such doubt should go in favour of the accused. Hence, from evidence available on record it is clear that the prosecution has failed to prove essential ingredients of the offences beyond all reasonable doubt against the accused.

25] Thus, in view of my negative findings to Point No. 1 and 2 the accused needs to be given benefit of doubt and he is entitled to be acquitted from the alleged charges in the matter. Hence, considering the same and in response to Point No.3, I pass the following order.

ORDER

1.	The accused is acquitted of the offences punishable under sections 354-D and 506 of the I.P.C. vide under section 248 (1) of the Cr.P.C.
2.	The bail bonds of accused are cancelled.
3.	The accused is directed to furnish personal bond of Rs.50,000/- and one solvent surety of the like amount vide section 437-A of the Cr.P.C.
(Dictated and pronounced in open court)	

Place:- Chandrapur.
Date:- 14/08/2026.

(R. S. M. Shaikh)
Judicial Magistrate First class,
(Court No.1), Chandrapur.