

CNR NO.MHLA040003602025 	Received On	:	28	08	2025
	Registered On	:	28	08	2025
	Decided On	:	31	07	2026
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Exhibit No.25					

Form No.XXXII**Part ' A '****(Title Page of Judgment)****[Para 44 (i) of Chapter VI of Criminal Manual]**

<u>IN THE COURT OF SPECIAL JUDGE,</u> <u>AHMEDPUR AT AHMEDPUR.</u> (Presided over by Pravin K. Nardele)	
Details of FIR/Crime & Police Station	Crime No.454/2025 Police Station, Ahmedpur.
Case Number	Spl. Case No.34/2025
Complainant/ Prosecution	State of Maharashtra Through Police Station Ahmedpur
Represented by	Shri. M. K. Patil, (Learned APP)
Accused	1) Jyotitai w/o Tukaram Kale, Aged about 45 yrs, Occ.- Agriculture, 2) Tukaram s/o Panditrao Kale, Aged about 52 yrs, Occ.- Agriculture, Both R/o. Hagdal, Tal. Ahmedpur, District Latur.
Represented by	Adv. Shri. R. E. Bhurkapalle, Learned Advocate for both the accused persons.

Part-‘B’

[Para 44(ii) of Chapter VI of Criminal Manual]

Date of offence.	27.06.2025
Date of FIR.	27.06.2025
Date of Charge-sheet.	25.08.2025
Date of Framing of Charge.	05.11.2025
Date of commencement of Evidence.	08.07.2026
Date on which judgment is reserved.	27.07.2026
Date of Judgment.	31.07.2026
Date of sentencing order, if any.	N.A.

Accused Details

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offence charged with.	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during the trial for the purpose of Sec.468 of BNSS
1.	Jyotitai w/o Tukaram Kale,	Nil	01.07.2025 on notice u/s.35(3) of BNSS.	Sec.115(2) r/w 3(5) of BNS, 2023, Sec.3(1)(r) (s) of The Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act, 1989	Acquitted	---	---
2.	Tukaram Panditrao Kale	Nil	01.07.2025 on notice u/s.35(3) of BNSS.	Sec.115(2) r/w 3(5) of BNS, 2023, Sec.3(1)(r) (s) of The Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act, 1989	Acquitted	---	---

J U D G M E N T**(Delivered on this the 31st day of July, 2026)**

Both accused persons face trial for an offense punishable under Section 115(2), read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The prosecution's case in a nutshell is as follows:

2. The informant lives at Idgah Colony, Ahmedpur, with her family and earns her livelihood through labor work. By caste, she is a "Mahar." On June 27, 2025, at around 11:30 a.m., she went to Vishal Mens Wear to ask Sagar Kale whether he would marry her or not. At that time, Sagar was not present in the shop. Instead, his parents i.e. the two accused persons were there. Both of them began abusing her, saying that she implicated them in a false case and that she still came to their shop. The first accused called her "Maharge." The second accused insulted her parents and slapped her across the face. He also threatened to kill her. Because of the assault by the second accused, she sustained injury. After the incident, the informant filed a report against both accused persons at the Ahmedpur police station.

3. At the police station in Ahmedpur, case No. 454/2025 was registered against the accused persons for offenses under sections 115(2), 352, 351(2), and 351(3), read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, as well as Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Assistant Superintendent of

Police Shri Chandrakant Reddy took charge of the investigation and prepared the spot panchnama in the presence of witnesses. He also recorded the statement of the informant and seized the informant's Caste Certificate. The investigation was then handed over to Sub-Divisional Police Officer Shri Manish Kalyankar, who, after reviewing the case diary, recorded the statement of the informant's mother. Subsequently, the investigation was transferred to Sub-Divisional Police Officer Shri Arvind Raibole, who completed the investigation and filed the charge sheet against the accused in court.

4. On 05.11.2025, my learned predecessor framed charges against the accused persons via Exh.10 for offenses under u/s. 115(2), r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against both of the accused. The charges were read to the accused persons. They denied the charges against them through their pleas Exh.11 & 12 and requested a trial.

5. To establish the guilt of the accused persons, the prosecution examined three witnesses. Angad s/o Narayan Kachwe, PW1 (Exh.14), is the Panch witness. Megha d/o Omprakash Kamble, PW2 (Exh.16), is the informant, and Manish s/o Madhukarrao Kalyankar, PW3 (Exh.21), is the Investigating Officer.

6. Besides this, the prosecution has relied on the spot panchanama at Exh. 15, the signature of the informant on the report at Exh. 17, and the informant's caste certificate at Exh. 18.

The accused persons did not enter the witness box, nor were any witnesses examined in their support.

7. The defence of the accused persons, as revealed by the manner of cross-examination of the prosecution witnesses and their statements under Section 351 of the BNSS, 2023, is one of complete denial and false implication. According to the accused persons, they are implicated in a false case.

8. Based on the prosecution's case, the evidence presented by the prosecution, the defense of the accused persons, and their statements u/s. 351 of the BNSS, 2023, the following points arise for my determination, and I have recorded my findings against them for the reasons stated below.

Sr No	Points	Findings
1.	Whether the prosecution proves that on 27.06.2025, at about 11.30 hrs, in front of Vishal Mens Wears, Hadgal, the accused persons in furtherance of their common intention voluntarily caused hurt to the informant and thereby committed an offence u/s.115(2) r/w Section 3(5)of the BNS, 2023?	No
2.	Whether the prosecution proves that on the above date, time, and place, the accused persons, with intent to humiliate the informant within public view, intentionally insulted or intimidated her by saying, “Tu Amchewar Gunha Dakhal Kelis, tu ithe ka aalis Maharge” knowing that she is a member of the	No

	scheduled caste, and thereby committed an offence p/u/s.3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989?	
3.	What order?	As per the final order.

REASONS

ORAL SUBMISSION:-

9. Heard the learned Additional Public Prosecutor for the Prosecution and the learned Advocate for the accused persons.

AS TO POINTS NO.1 & 2:-

10. Since points Nos. 1 to 2 arise out of the same set of facts, I find it profitable to take them for simultaneous discussion.

11. Angad PW1, it the spot panch. He deposed that on 28.06.2025, he was called by the Investigating Officer Reddy to act as a panch witness for preparing the spot panchanama. Therefore, he accompanied the Investigating Officer to the spot in front of the complex of Nilesh Kadam. There, the spot panchanama was prepared by the Investigating Officer about the spot in front of Vishal Mens Wear. Another panch, Dayanand Savargave, accompanied him. He deposed that he had read the contents of the spot panchanama before signing it.

12. Angad PW1 was cross-examined by the learned Advocate for the accused persons. Various suggestions were put to him on behalf of the accused, but he remained firm in his testimony that the spot panchanama was prepared on the spot in his presence. Despite the accused persons' cross-examination of Angad PW1, nothing emerged to suggest that he was falsely deposing or had any reason to do so. Angad PW1 is an independent witness and had clearly stated that the spot panchanama was prepared in his presence. His evidence is clear, reliable, and believable. Therefore, relying on his testimony, I find that the spot panchanama is duly proved by the prosecution and is at Exh. 15.

13. Megha PW2 is the informant. Her evidence shows that she did not support the prosecution's case. Since she showed ignorance to the incident and only admitted her signature on the report lodged at the police station, she was declared hostile and was cross-examined by the learned APP for the Prosecution with the permission of the Court. During her cross-examination by the learned APP for the Prosecution, she admitted only that on 27.06.2025, she had filed a report at the Police Station, Ahmedpur. However, she disowned the entire contents of her report. Despite the learned APP for the prosecution cross-examining her at length, nothing fruitful emerged from her cross-examination to support the prosecution's case.

14. During the cross-examination by the learned Advocate for the accused persons, Megha PW2 admitted that the police only obtained her signature on the report and she was not aware of its contents. She further admitted during her testimony

that on 10.05.2025, she filed a similar report against the accused persons and their son Sagar Kale, alleging that they had abused and humiliated her because of her caste.

15. A minute perusal of Megha PW2's evidence shows that, although she was the informant who initiated the prosecution, she did not support the prosecution's case and withdrew from her report. Therefore, her evidence is of no use to the prosecution to support its case,

16. Manish PW3 is the Investigating Officer. His evidence shows that he only recorded the statement of the informant's mother and collected the caste certificates of both the accused persons. His evidence shows that it concerns the investigative steps he took and is formal in nature.

17. A careful perusal of the evidence on record shows that the informant Megha PW2 did not support the prosecution's case. Although the spot panchanama Exh. 15 is properly proved by the evidence of Angad, PW2, and the accused persons admitted the informant's caste certificate at Exh. 18; these documents at most prove the spot of the alleged incident and that the informant belonged to the scheduled caste. However, these documents are not enough to prove that the accused persons in furtherance of their common intention, voluntarily caused hurt to the informant Megha PW2.

18. Similarly, the above mentioned proved documents are insufficient to conclude that the accused persons intentionally insulted or intimidated the informant by abusing her on her caste

within the public view. Resultantly, I have no hesitation in holding that there is no substantive evidence against the accused persons. Consequently, I answer points no. 1 & 2 in the negative.

AS TO POINT NO. 3

19. In view of my negative findings on points no.1 & 2, the accused persons are entitled to be acquitted. At the same time, considering the prosecution's right to challenge the present judgment on appeal, it is necessary to secure the presence of the accused persons for 6 months, as provided in Section 481 of the BNSS, 2023. Accordingly, the accused persons are directed to execute bail bonds of Rs.15,000/- each, with P.B. & S.B. of like amount, for 6 months from the date of this judgment. In such circumstances and for the aforesaid discussion, I answer point No.3 accordingly and proceed to pass the following order.

<u>ORDER</u>	
1.	Accused No.1 Jyotitai w/o Tukaram Kale, Age- 45 years and accused No.2 Tukaram Panditrao Kale, Age- 52 years, both R/o. Hagdal, Tal. Ahmedpur, Dist. Latur are acquitted for the offences u/sec.115(2), r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 vide section 258(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2.	The bail bonds of the accused persons stand canceled.

3.	The accused persons shall furnish the bail of Rs.15,000/- each with P. B. & S. B. of like amount as per Section 481 of the BNSS, 2023, for securing their presence before the Hon'ble Appellate Court if, in case, an appeal is preferred against the Judgment.
(Judgment dictated and pronounced in the open Court).	

Date:- 31.07.2026

Place:- Ahmedpur.

(Pravin K. Nardele)
Special Judge (Atro.) &
Additional Sessions Judge,
Ahmedpur

Part ' C '**[Para 44 (iii) of Chapter VI of Criminal Manual]****LIST OF PROSECUTION/DEFENCE/COURT****WITNESSES****A. Prosecution -**

Rank	Name	Nature Of Evidence
PW-1	Angad s/o Narayan Kachwe (Exh.14)	Spot Panch
PW-2	Megha d/o Omprakash Kamble (Exh.16)	Informant
PW-3	Manish s/o Madhukarrao Kalyankar (Exh.21)	Investigating Officer

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

S.No.	Exhibit Number	Description
1.	Exhibit P-15/PW-1	Spot Panchanama
2.	Exhibit P-17/PW-2	Signature of informant on the Report.
3.	Exhibit P- 18	Caste Certificate Admitted by the Accused persons

D. Material Objects -

Sr. No.	Material Object Number	Description
1.	---	---

Date:- 31.07.2026
Place:- Ahmedpur.

(Pravin K. Nardele)
Special Judge (Atro.) &
Additional Sessions Judge,
Ahmedpur.

C E R T I F I C A T E

I affirmed that, the contents of this pdf file Judgment are same word as per original Judgment.

Name of Stenographer : A.S.Kodgire (Grade-II)
Court name : Additional Sessions Court,
Ahmedpur
Date of decision : 31.07.2026
Judgment signed by P.O. on : 31.07.2026
Judgment uploaded on : 31.07.2026
