



MHPA060007892018



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Decided on : 14/01/2021.
Duration : Yrs. 02 Mon. 06 Days 08.

IN THE COURT OF THE JUDICIAL MAGISTRATE, F.C.,
(COURT NO.03), HINGOLI.
(Presided over by I.A.Y.A.KHAN),

RCC No.120/2018.

Exh No.(34).

CNR No.MHPA06-000789-2018.

State of Maharashtra,
through Police Station, Hingoli (Gramin),
Tah. Dist. Hingoli.

...Prosecution.

Versus.

Bhanudas Gyanoji Lonkar,
Age:35 yrs. Occ: Labour,
R/o Rahuli Bk., Tah.Dist.Hingoli.

....Accused.

Charge : Offence Punishable Under Section 354-A of the Indian
Penal Code(for short "I.P.C.").

Appearances :

Shri G.K.Jagtap, Special A.P.P. for the State.
Shri P.K. Puri, Advocate for the accused.

:JUDGMENT:
(Decided on 14/01/2021).

Accused is prosecuted for committing offences punishable
under section 354-A of the Indian Penal Code, 1860 (for short





hereinafter referred as ' I.P.C.').

2) **The prosecution case in brief is as under:**

The prosecutrix (hereinafter referred as "prosecutrix" for the purpose of maintainig the secrecy of her identity) is a house wife and she resides alongwith her husband and two sons and one daughter at village Raholi Bk. since last 13 years at Raholi Bk. Her husband works in Mondha since last two years and he comes at late hours at home from his work. Accused Bhanudas Lonkar resides in their locality and he always behaved with prosecutrix amorously. This fact was informed by the prosecutrix to her husband. Thereafter, prosecutrix and her husband went to the house of accused Bhanudas Lonkar and informed the said fact to his parents.

3) On 29.05.2018 the electricity was gone. Near to the house of prosecutrix there was solar energy light. At that time, at about 10:30 p.m. prosecutrix was sleeping alongwith her children on bed infront of her house in the court-yard. Thereafter, at about 11:30 p.m. someone pulled her hand, and she woke-up. She saw accused Bhanudas Gyanoji Lonkar was pulling her hand. At that time, prosecutrix was trying to make voice, accused Bhanudas pressed her mouth and said that "मला एकदा तरी तुझ्याजवळ झोपू दे, तुला किती पैसे पाहीजे ते सांग". Then, again prosecutrix shouted loudly. After hearing loud voice of prosecutrix, her children and Rameshwar Lonkar, Gayabai Lonkar, Daivatabai Lonkar became woke up, then the accused ran away. At about 02:00 a.m., her husband came at home, she narrated the incident to him. On 30.05.2020, prosecutrix came in the police station alongwith her





husband and lodged a report.

4) On the basis of her report, crime No.108/2018 came to be registered at police station, Hingoli-Gramin against accused for the offence punishable under Section 354-A of I.P.C. Investigation is carried out by Mrs. S.S.Kendre, Ladies P.S.I. She recorded the statements of witnesses and after completion of investigation filed charge-sheet in the court.

5) My Learned predecessor has framed the charge vide Exh.11 for the offence punishable under Section 354-A of the I.P.C. The contents of charge read over to accused in his vernacular language to which he denied the charges levelled against him and claimed to be tried.

6) Prosecution has examined 06 witnesses. Evidence of prosecution is closed by passing order below Exhibit-01. The statement of accused is recorded vide Section 313(1)(b) of the Code of Criminal Procedure. The defence of accused is that of total denial and false implication.

7) Heard learned Assistant Public Prosecutor Shri G.K. Jagtap for State and learned Advocate Shri P.K. Puri for accused at length. Considering the charge following points arise for determination, to which I recorded my findings for the reasons stated below:





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POINTS:

FINDINGS:

<p>1) Does the prosecution prove that on 29.05.2018 at about 23:30 Hrs. at village Raholi Bk., Tah. Dist. Hingoli, accused used criminal force by caught hold the hand of the prosecutrix and said "मला एकदा तरी तुझ्याजवळ झोपू दे, तुला किती पैसे पाहीजे ते सांग" and made a forceful demand for sexual favour and thereby committed an offence of sexual harassment punishable under Section 354-A of the Indian Penal Code?</p>	<p>.....No.</p>
<p>2) What order?</p>	<p>.....Accused is acquitted.</p>

:REASONS:

8) In order to prove the case, the prosecution has examined six witnesses viz, PW 01 Jagan Ashru Lonkar (Exh.13), prosecutrix PW 02 (Exh.14), PW 03 Gayabai Babarao Lonkar (Exh.16), PW 04 husband of prosecutrix (Exh.18) and PW 05 Rameshwar Tukaram Lonkar (Exh.23). PW 06 Mrs. S.S.Kendre Investigating Officer vide Exh.26. Apart from this, prosecution has relied on the documents i.e First Information report (Exh.15), spot panchanama (Exh.14) and spot map (Exh.30).

AS TO POINT No.I:

9) Before discussing the evidence came on record, it would be proper to look into the legal parameters of alleged offence falling under section 354-A of I.P.C. For this pupose I reproduced the said provision as under:





10) 354-A **Sexual Harassment and Punishment for Sexual Harassment-**

(1) a man committing any of the following acts-

- i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- ii) a demand or request for sexual favour; or
- iii) showing pornography against the will of a woman; or
- iv) making sexually coloured remarks, shall be guilty of the sexual harassment.

11) Moving towards the evidence of prosecution, it examined Jagan Ashru Lonkar PW 01 (Exh.13) he deposed that police has called him at the house of prosecutrix. At that time police were preparing panchanama. On the saying of police he has signed on the panchanama. He further deposed that he had not read over the contents of the panchanama. He identified his signature only. As this witness was not supporting the prosecution case, the Special Ld. A.P.P. sought permission to declare this witness hostile and for his cross-examination. Court granted permission. Learned Special A.P.P. cross-examined this witness. He deposed that police has readover the contents to him and took his signature on panchanama. Learned Advocate Shri P.K. Puri cross-examined this witness. This witness admitted that he doesnot know the contents in the panchanama, and he signed over the panchnama on the saying of the police.

12) PW 02 prosecutrix in her chief examination deposed that





she knows the accused. She further deposed that the incident was occurred on 29.05.2018 during the night time at about 10:00 to 10:30 p.m. in front of her house. At the time of incident as there was no electric power supply. She was sleeping in front of her house, under solar energy light. She was sleeping alongwith her two sons and one daughter on the cot. Thereafter, in between 11:00 p.m. to 11:30 p.m. someone pulled her hand and she wokeup. She saw that accused Bhanudas Lonkar pulled her hand. He said her, " to allow him to sleep with her, and offered money". Due to this she felt insulted and outrages. As she shouted, her neighbourers woke up and accused Bhanudas ran away from the spot. That time, her husband was not at home. He was working at Mondha. He returned at home at about 02:00 a.m. She narrated the incident to him. On morning, prosecutrix and her husband went to police station and lodged the report. The First Information Report is at Exh.15. She identified the contents of F.I.R and her signature on it.

13) Ld. Advocate Shri P.K. Puri cross-examined this witness. During cross-examination she deposed that she has filed the cases against the persons who are residing in village. She has filed case against Shaikh Hameed Shaikh Kamal, Shaikh Amin Shaikh Hamid and Shahinabee Shaikh Anis. Witness volunteers that they possess flour mills. They have locked her flour mill, and they beat her. She further deposed that in that case her evidence is recorded. They are acquitted from that cases. She further deposed that she she is familiar with Kailas Lonkar. He is uncle of accused. She also admitted that he owns and possesses a flour mill. She admitted that beside her house there is





house of Gayabai Babarao Lonkar. There is house of Rameshwar Lonkar beside the house of Gayabai. Near the house of prosecutrix next to road there is house of Gayabai Lonkar. The solar energy light is in front of the house of Manohar Lonkar. She further admitted that at the time of incident other neighbours were also sleeping in front of their respective houses. On the day of incident her children were sleeping with her. Her elder son was of 15 years at that time. Daughter was about 13 years and son was about 11 years. Her two children were sleeping along her both sides and her elder son was sleeping at her foot side. There was no electric power on the day of incident since 06:00 p.m. She also admitted that there is main road from the house of her court-yard and people are using it for use of way. On the day of incident she was slept at about 11.00 p.m. in the night. She was in sleep when accused near her cot. She further admitted that the house of accused is at the distance of about 100 feet from her house. Before the incident there never arose the dispute of any kind of accused either with her or her husband.

14) She further deposed that her statement was recorded before the Court of Magistrate. The statement was in sealed envelope. The Ld. Advocate for accused sought permission to open the said statement of witness recorded under Section 164 of Cr.P.C. The statement is at Exh.16. In her cross-examination, she admitted that at the time of incident she did not see that accused was coming from darkness. This fact is stated in her First Information Report and statement recorded under Section 164 of Cr.P.C. She admitted that at about 11:30 p.m. accused pulled her hand and she became wokeup.





However, on perusal of her statement recorded under Section 164 of Cr.P.C., it is seen that prosecutrix stated that accused at the time of incident came from darkness and after pulling the hand of the prosecutrix closed her mouth. In her cross-examination she further admitted that she did not state the incident to her neighbours. However, she stated to her husband. But on perusal of statement recorded under Section 164 of Cr.P.C., it appears that on her making loud noise Tukaram Lonkar, Gayabai and other villagers gathered. Her husband, thereafter, came at about 02:00 a.m. Due to night time she did not state the incident, therefore, her testimony is appearing contrary to the statement recorded under Section 164 of the Cr.P.C.

15) PW 03 Gayabai Babarao Lonkar (Exh.16) in her chief examination deposed that she knows the prosecutrix and accused. She is her sister-in-law. She further deposed that incident was occurred prior to 05 to 07 months on the path. On that day, she had slept in the night at about 09:30 p.m. She deposed that she does not know on the day what incident occurred. She also deposed that on 29.05.2018 in the night at about 10:00 to 10:30 p.m. that she has not heard the noise of prosecutrix. As witness is not supporting to the prosecution, Ld. Special A.P.P. sought permission to declare her hostile and to cross-examine her. She deposed that she does not know whether incident was occurred or not. She further deposed that accused is from her distant brother-hood. This witness turned hostile.

16) PW 04 husband of prosecutrix vide Exh.18 in his chief examination deposed that he knows the accused. Prosecutrix is his





wife. The incident took place on 29.05.2018 at about 11:00 to 11:30 p.m. On that day, he had returned at home from work in the night at about 02:00 a.m. When he returned at home, her wife narrated the incidence to him. Thereafter, on next day, the prosecutrix lodged the report in the police station. Ld. Advocate Shri B.G. Lemle cross-examined her. In cross-examination this witness admitted that on the day of incident he came at 02:00 p.m. in the night. His wife told him the incident. He further admitted that he was having flour mill prior to incident. He also admitted that his wife had made complaint against Hamid on count of electricity.

17) PW 05 Rameshwar Tukaram Lonkar in his chief examination deposed that he knows the accused and prosecutrix. Prosecutrix is his sister-in-law. He further deposed that the incident was occurred in front of their house prior to 07 to 08 months at about 11:30 p.m. There was no electric power therefore he and his sister-in-law were sleeping in front of their houses respectively. He heard the voice of prosecutrix. As prosecutrix shouted, the accused ran away. While running the accused, he identified him. When he made enquiry with prosecutrix, she stated the incident to him. At the time of incident, his brother had gone for work and he returned back at about 2:00 a.m. One Dewatabai was present on the spot. On the next morning, prosecutrix lodged the report.

18) Ld. Advocate Shri. P.K.Puri cross-examined this witness. This witness in cross-examination admitted that prosecutrix had lodged such complaints against the persons residing in village. He further admitted





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that prosecutrix has withdrawn the complaints which were lodged by her. Police had recorded his statement. He further deposed that prosecutrix has narrated the said incident to her. Therefore he is appearing being the hearsay witness.

19) Prosecution examined Mrs. S.S.Kendre, Investigating Officer (PW 06). In her chief examination stated the prosecution story same in the line of prosecutrix. She has deposed that during investigation she visited the spot of incident and prepared spot panchanama vide Exh.14. She recorded the statements of witnesses. Thereafter, she arrested the accused and produced before the Court. She sent the letter to Executive Magistrate for preparation of spot map. The concerned Executive Magistrate has drawn the spot map and after collecting the map she has filed the map in the charge-sheet. The map is at Exh.30. After completion of investigation she filed charge-sheet in the Court.

20) In her cross-examination she admitted that she has not investigated that whether there was dispute between husband of prosecutrix and resident of village Kailash Lonkar and between her husband and Shaikh Hamid for the cause of flour mill. She further admitted that at the time of incident the prosecutrix was slept alongwith her children. She further deposed that the cot was of 4x5 feet. She has denied the suggestion that she did not visit the spot and has not carried out investigation. She further denied that she is deposing false.





21) After close scrutiny of the evidence of prosecution it appears that to prove the incident prosecution has relied upon the prosecutrix and two more witnesses i.e. PW 03 Gayabai Lonkar and PW 05 Rameshwar Lonkar. PW 04 is the husband of PW 02 prosecutrix. He was not present on the spot at the time of incident and therefore his evidence is not relevant to prove the happening of alleged incident.

22) PW 03 Gayabai Lonkar is the witness who immediately after the incident occurred reached on the spot by hearing the shouts of prosecutrix but she did not support to the case of prosecution and turned hostile. Even in cross-examination on behalf of prosecution nothing has come on record to support the case of prosecution, therefore, her evidence is out of consideration.

23) PW 05 Ramesh Lonkar is the witness who alleged to be reached on the spot by hearing the shouts of the prosecutrix to whom prosecutrix narrated the incident. It has come on record that PW 05 resides near the house of prosecutrix and therefore it would be possible that he reached on the spot immediately after the incident. He is the brother of husband of prosecutrix and according to him after hearing the shouts of prosecutrix he reached on the spot and saw the accused, while he was running away from the spot. However, his arrival on the spot appears to be after occurrence of incident. Therefore, he has no personal knowledge that what actually took on the spot. As per his evidence the prosecutrix on his enquiry disclosed that accused came near to her and hold her hand and told that he want to sleep with her. So this piece of evidence is hearsay, who came to know about the





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incident from the prosecutrix. Therefore, the evidence of PW 05 cannot be relied unless same is corroborated by the witnesses from whom he learnt about the incident. But here this piece of evidence of PW 05 is not corroborated by the testimony of prosecutrix. She has not disclosed from her oral evidence that incident is disclosed by her to PW 05, when he reached on the spot. Therefore, in the absence of corroboration by the prosecutrix the evidence of PW 05 cannot be believed that he came to know about the incident from prosecutrix. Therefore, the evidence of PW 05 is also not helpful to prosecution to prove the incident.

24) The evidence of Investigating Officer (PW 06) is appearing formal in nature. Admittedly, she came to know about the happening of incident from the prosecutrix. Therefore, her evidence being hearsay is not reliable for the cause of non-corroborated testimony of other witnesses.

25) Now the sole testimony of complainant is available on record and same is required to examine minutely to bring home the guilt of the accused. In the cross-examination the prosecutrix has deposed that at the time of incident that her elder son was 15 years old and daughter was 13 years old and younger son was 11 years old. She also deposed that on the cot she alongwith sons slept. The width of cot is 05 feet in length. Considering the size of cot it is improbable to believe that four people can sleep on one cot. She also has deposed that the elder son was slept at her foot. So even if it is proved then also it is impossible that on the cot of 05 feet width 04 persons in one line can be slept. In the foot of prosecutrix on the rear side how can be





possible to sleep by the elder son of prosecutrix. The height of prosecutrix according to her own statement is about 05 feet. Hence, it is impossible to believe that in foot of prosecutrix there was some sort of his space in which one son of prosecutrix was slept. So these circumstances itself creates serious doubt about the truth in the prosecution story.

26) Further more it has come in the cross-examination of prosecutrix that earlier to the incident she has never slept in the open space. It means there was no routine of prosecutrix that she used to sleep in open space and accused was not aware of this fact and hence he tried to encash the opportunity to fulfil his ill intention.

27) It is also improbable to believe that all of sudden not previous back ground accused attempted to outrage the modesty of prosecutrix. No doubt In the first information report vide Exh.15 it is mentioned that accused always tried to contact with the prosecutrix having with bad intention. But the prosecutrix remained silent it means in the witness box about the said fact she has not deposed that prior to the incident she noticed the bad intention of accused and earlier to that also he tried to misbehave with her. So in the absence of oral evidence in this regard the contents of FIR cannot be relied. So in the said back ground it cannot be said that there is previous back ground which instigate the accused to make an attempt on the day of incident to commit the said act.

28) The learned Advocate for accused tried to bring on record





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that how the prosecutrix is a woman of quarrelsome nature and how she was in habit of lodging the false reports against resident of village. In that context Ld.Advocate for accused dragged my attention to the cross examination of prosecutrix, wherein she admitted that before the filing of the present report she has lodged a report against Shaikh Hamid Shaikh Kamal, Shaikh Amin Shaikh Hamid and Shahinabee Shaikh Anis. These persons were owning and possessing flour mill. In these cases her statement was recorded in the Court and these persons are acquitted by the Court. She also admitted that she is familiar with Kailash Lonkar who is uncle of accused. Kailash Lonkar also owns and possesses flour mill. Moreover, PW 04 is the husband of prosecutrix. In his cross-examination, he admitted that he owns and possesses flour mill. His wife has made complaints against one resident of village Hamid on the count of electricity transformer. In present case it shows that the due to quarrelsome nature of prosecutrix she filed cases against residents of village Raholi Bk. Tah.Dist. Hingoli for the cause of flour mill, which itself doesnot inspire the confidence in the evidence of prosecutrix.

29) It is common experience that in the rural place one cannot dare to make an attempt on the married woman with intention to commit an offence on the person of woman, unless there was having the ill-intention. Since prior to the incident here in the case in hand there is no evidence that the accused was aware that at the night of incident prosecutrix was going to sleep on the open space and he will got an opportunity to satisfy his lush. The another circumstances which also create the doubt regarding the occurrence of incident is the non-





examination of all three kids of prosecutrix. As per the own evidence of prosecutrix all her three children were slept with her and they awoken by hearing her shout. Therefore, three children of the prosecutrix were the best witnesses who had having at least the knowledge that their mother awoken and made the shouts by the reason something wrong happened with her. However, Investigating Officer has not recorded the statements of these witnesses and has not forwarded explanation for the non-examination of said witnesses. However, the non-examination of the best witnesses also fatal to the prosecution case. Prosecution also not examined another spot panch Aashanand Sheshrao Lonkar and witness Daivatabai w/o Gangaram Lonkar.

30) The learned APP for the State has vehemently argued that the sole testimony of the prosecutrix is sufficient to prove the guilt of accused and same cannot be discarded merely because non corroboration of witnesses. There is no need to examine the minor witnesses. In support of the submission, he relied upon the case of **Ambika Prasad Vs. State (Delhi Administration) 2000 AIR (SC) 718**, wherein Hon'ble Supreme Court held that "the testimony of eye witness cannot be ignored on the ground that independent witnesses were not examined. The non-examination of independent witnesses cannot be the ground to discard the evidence of others.

31) It is proved that the sole testimony of the witness is sufficient to convict the accused and same is sufficient entirely reliable. But if the testimony of witnesses is open to doubt then Court seeks the support of direct or circumstantial evidence. So, here it is to be seen





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whether the sole testimony of prosecutrix is entirely reliable or open to doubt. The evidence of prosecutrix discloses that on the night of 29.05.2018, she disclosed that she alongwith two sons and one daughter had slept on the cot in front of the house in open space at 11:00 to 11:30 p.m. Accused came and by holding her hand pulled and therefore she shouted, but accused closed her mouth by putting hand and then said to her to allow him to sleep with her and offered money. Due to the acts of the accused prosecutrix felt shameful. Hence, she raised the shouts. By hearing the shouts the neighbours i.e. PW 03 and PW 04 came on the spot and accused ran away. With due respect to the ratio laid down in above cited case, I am agreed with the position but if perused the facts and circumstances of the cited authority it shows that the case was with respect to the murder trial and the case at hand is of Section 354-A of the I.P.C. The facts and circumstances are different. However, considering the ratio laid down in the cited authority I am of the view that in case at hand, there is no eye witness of incident except the prosecutrix and therefore this is not the case wherein the evidence of the eye witness is discarded on the ground of unavailability of the independent witness. In present case the evidence of the prosecutrix as eye witness is rejected and discarded on the ground of credibility. Hence, being the different facts and circumstances of the cited authority and the case in hand, the case law is not applicable and not useful for the prosecution.

32) The learned APP relied upon cited authority of The **Hon'ble Bombay High Court in Ashok Somnath Ghodke vs The State Of Maharashtra on 10 June, 2013 CR.REVN.APPLICATION NO**





229/2012 observed in the case that “however no discrepancies are pointed out in her evidence. No other can depose on her behalf. It was contended that there was no independent witness. The evidence of the complainant fully shows the offence made out by the applicant herein. Both the Courts have correctly appreciated that evidence. The Hon'ble High Court held the conviction and the sentence are correct and deserve no interference. Further the Hon'ble High court held that it is settled law that complaints by women for offences against women are not mandatorily required to be filed within hours. So far as former observation of court regarding discrepancies is concerned I am of opinion that in the present case there are various material discrepancies in the evidence of prosecutrix. She was sleeping in the court-yard on cot and some other villagers were also sleeping at the court yard of their houses. Material witnesses are turned hostile. Another observation is concerning limitation period of lodging report. In the present case in hand the incident is alleged to be happened at about 11:00 to 11:30 p.m. and she lodged the report at police station at 1:47 p.m. In this regard I am of opinion that the report is lodged within limitation as distance of incidence and police station is not proved. Therefore I am in consonance with the observation of Hon'ble High Court. Therefore this authority is partly applicable to the present case in hand.

33) The learned APP further relied upon cited authority of **Apex court of Raju Pandurang Mahale vs State Of Maharashtra And Anr on 11 February, 2004**, in this case the accused were convicted for the offences 376, 323, 342, 354 read with section 34 of Indian Penal Code, respectively. The apex court in this case observed that “What





constitutes an outrage to female modesty is nowhere defined. The essence of a woman's modesty is her sex. The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive. In this regard I am of opinion that this authority is not applicable to the present case as the prosecution failed to prove the intention and act of the accused. Moreover in this case only question of outraging of modesty by committing sexual harassment of the prosecutrix is concerned which is not proved by the prosecution.

34) The learned APP further relied upon cited authority of **Vidyadharan vs State Of Kerala on 14 November, 2003 CASE NO.: Appeal (cri.) 278 of 1997** the Hon'ble Apex court observed that, It is seen that though there were some delay in lodging the FIR, it is but natural in a traditional bound society to avoid embarrassment which is inevitable when reputation of a woman is concerned. Delay in every case cannot be a ground to arouse suspicion. It can only be so when the delay is unexplained. In this case the incidence occurred at about 2.00 p.m. on 1.10.1992. The information was lodged at police station on the next date. In the instant case the Hon'ble court held delay has been properly explained. In this regard I am of opinion that this issue is already discussed at supra in the cited authority of **Ashok Somnath Ghodke's case'** that complaints by women for offences against women are not mandatorily required to be filed within hours. Therefore this authority is also applicable to the present case to the extent of lodging of report at police station.





35) The learned APP further relied upon cited authority of **Ramesh Tukaram Jagtap v State of Maharashtra, Criminal Revision Application No. 417 of 2000**, Wherein the Hon'ble Bombay High court observed that "In a matter of this kind the corroboration to the incident by an eye witness was not possible. The accused would not have tried to outrage the modesty of the girl in the presence of other persons. The case of the complainant is that the intention of the accused was to outrage her modesty and, therefore, he caught hold of her hand and tried to drag her to the nearby place where sugar cane crops were standing. The girl is of tender age of 14 years and would not try to implicate the petitioner falsely for such offence. On the other hand the case in hand due to incredible evidence of prosecutrix, I find necessary to corroborate the testimony of prosecutrix with the other witness, but it lacks. Moreover the facts of the instant cited authority are different from the present case. Hence this authority is not helpful to the prosecution to entail conviction of accused.

36) After detail discussion it makes it clear that the oral evidence of the prosecutrix is not entirely reliable but it is open to doubt and same is not sufficient to bring home the guilt of the accused. From the discussion supra, due to the reasonable doubt, testimonies of prosecution witnesses appear doubtful. Hence, prosecution has failed to bring home the guilt of the accused within four corners of law. Therefore, the accused is entitled for the benefit of doubt. Hence I answer the point No I in negative.





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AS TO POINT No.II:

37) Considering the above discussion I, am of the view regarding incidents and the impeached credibility of prosecutrix, are the factors which were fatal to the case of prosecution. Therefore I hold that the prosecution failed to prove the ingredients of section 354-A of the I.P.C. against accused beyond reasonable doubt. As a rule of criminal jurisprudence its benefit must be given to accused. There is no cogent and reliable evidence on record on which reliance can be placed to hold the accused guilty for the offence supra. The accused is liable to be acquitted. Hence, in answer to point No II, I pass the following order.

ORDER

- 1) Accused Bhanudas Gyanoji Lonkar is acquitted for the offence punishable under section 354-A of the Indian Penal Code vide Section 248(1) of the Code of Criminal Procedure.
- 2) Accused is set at liberty
- 3) The bail bonds of accused is cancelled.
- 4) Accused is directed to furnish personal bond & security bond of Rs.15,000/- vide Section 437-A of the Code of Criminal Procedure.

(Dictated and pronounced in open Court.)

Irfan Ali Khan
Yousuf Ali Khan
Digitally signed by Irfan Ali Khan
Yousuf Ali Khan
Date: 2021.01.14
16:57:43 +0530

Date:14/01/2021.

(I.A.Y.A.KHAN),
Judicial Magistrate, First Class,
(Court No.03), Hingoli.

