

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. APPEAL NO. 148 OF 2026

Sakharam Vitthal Bansode,]
Age: 40 years, Occ.: Labour,]
R/o at Bhalawadi,]
Taluka Man, Dist. Satara.] **...Appellant**

Versus

1. The State of Maharashtra]
2. Vishal Dadaso Kate,]
Age-28 Years, Occup. Garage works]
3. Sayaji Vishnu Jadhav,]
Age-39 Years, Occup. Business]
4. Sunil Bapurao Jadhav,]
Age-59 Years, Occup. Farming]
5. Yogsh Subhash Kate,]
Age-34 Years, Occup. Farming]
6. Sachin Dadaso Kate,]
Age-33 Years, Occup. Farming]
7. Shashikant Bhanudas Kate,]
Age-42 Years, Occup. Farming]
8. Balu Namdeo Kate,]
Age-49 Years, Occup. Farming]
9. Sachin Sopan Madane,]
Age-34 Years, Occup. Farming]
10. Vishnu Bapu Jadhav,]
Age-64 Years, Occup. Farming]
11. Tatyaso Bhanudas Kate,]
Age-49 Years, Occup. Farming,]
All R/o. at Bhalawadi, Tal. Man, Dist.Satara.] **...Respondents**

Mr. Abhijeet Chabukswar for Appellant.

Mr. S.H. Yadav, A.P.P. for the Respondent No.1-State.

Coram : ASHWIN D. BHOBE, J.

Date : 5th October 2026.

ORAL JUDGMENT :

1. Heard, Mr. Abhijeet Chabukswar, learned Advocate for the Appellant and Mr. Yadav, learned A.P.P. for the Respondent No.1-State.

2. By this Appeal, filed under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 [“SC ST Act”], the Appellant assails the Judgment and Order dated 18th April 2026 passed by the Additional Sessions Judge at Vaduj (“Trial Court”) in Special (ATR) Case No. 07 of 2017, by which Respondent Nos. 2 to 11 have been acquitted of offences punishable under sections 143, 148, 354, 326, 324, 504, 506 r/w 149 of the Indian Penal Code, 1860 (“IPC”) and sections 3(1)(r)(s), 3(2)(va) and 3(1)(w)(ii) of the SC & ST (Prevention of Atrocities) Act and section 235(1) of the Cr. P.C. (“impugned Judgment”).

3. Appellant (Sakharam Bansode) is the Informant, whereas the Respondent Nos. 2 to 11 are Accused Nos. 1 to 9 and 11, respectively, in Special (ATR) Case No. 07 of 2017. Accused No. 10 is CCL.

4. In brief, the prosecution case is that the Appellant came to his native place in October 2017 for the Diwali festival. Prior to that, a quarrel took

place between Respondent No. 2 and Rohit Sawant, a relative of the Appellant, after which Respondent No. 2 and his family members allegedly became annoyed with the Appellant and his family. That on 24.10.2017 at about 6.30 p.m., the Appellant was standing with his friend Sunny Bansode on the road in front of the Maruti Temple at village Bhalwadi and was chitchatting. At that time, all the Respondents alongwith 15 to 16 other persons allegedly came there carrying iron rods, sticks, a spade and abused them, saying "महारांनो तुम्ही गावात कसे राहताय हेच बघतो" and thereafter assaulted them with the weapons carried by them. On hearing their cries, Kiran Bansode, Pooja Bansode, Vinod Bansode, Sangram Bansode, Anil Bansode, Akshay Tayade and Kusum Londhe, along with others, came there to rescue them. That Respondent Nos. 2 to 11 threatened and assaulted them with weapons. Respondent No. 8 and Respondent No. 3 caught hold of the hands of Pooja, the sister of the Appellant, dragged her and gave blows on her chest, thereby outraging her modesty. When Appellant and his relatives tried to rescue Pooja, Respondent Nos. 2 to 11 assaulted them with the weapons brought by them. During the said quarrel, Appellant and his brother Kiran Bansode lost their Samsung mobile, while Kiran and Pooja lost the golden chains from their necks. When other villagers gathered at the spot, the Respondent Nos. 2 to 11 left the place. Thereafter, the police brought the Appellant and the injured persons to Mhaswad Police Station and referred

them to the Government Hospital for treatment. They accordingly went to the Government Hospital, Mhaswad, took treatment and after discussing the matter with their relatives, Appellant lodged the complaint on 25.10.2017. Based on the said complaint, a crime was registered vide C. R. No. 222 of 2017 at Mhaswad Police Station, Vaduj.

5. The Trial Court framed charge vide Exhibit 57. Respondent Nos. 2 to 11 pleaded not guilty and claimed to be tried.

6. During the trial, the prosecution examined the following 13 witnesses in support of its case:-

Witness Nos.	Name of witnesses	Nature of Evidence
PW 1	Dnyaneshwar Shivaji Ekal	Panch Witness
PW 2	Sakharam Vitthal Bansode	Informant
PW 3	Sunil Gulab Bansode	Eye Witness
PW 4	Kiran Vitthal Bansode	Eye Witness
PW 5	Vinod Sunil Bansode	Eye Witness
PW 6	Kusum Baban Londhe	Eye Witness
PW 7	Akshay Ajay Tayade	Eye Witness
PW 8	Dr. Laxman Dhondiba Kodalkar	Medical Officer
PW 9	Dr. Sanjay Shivajirao Deshmukh	Medical Officer
PW 10	Pooja Vitthal Bansode	Eye Witness
PW 11	Dr. Anil Vishnu Patil	Medical Officer
PW 12	Rohit Sandip Sawant	Eye Witness
PW 13	Yashwant Ashok Kale	Investigating Officer

7. The defence led no evidence. Statements under Section 313 of the Code of Criminal Procedure, 1973 were recorded of the Respondents.
8. The Trial Court framed nine points for determination and answered eight of them in the negative, thereby acquitting the Respondent Nos. 2 to 11.
9. Mr. Abhijeet Chabukswar, learned Advocate for the Appellant, assailing the impugned Judgment, submits that the impugned Judgment is perverse, inasmuch as the Trial Court failed to take into account the presumption available under Section 8 of the SC/ST Act. He submits that none of the 13 prosecution witnesses has turned hostile. He submits that three medical experts have been examined. He further submits that four witnesses sustained injuries in the assault. He further submits that the Trial Court has not properly appreciated the evidence on record. Mr. Abhijeet Chabukswar, refers to and relies upon two witnesses, namely Kiran Bansode (PW-4) {at page 34} and Dr. Laxman Dhondiba Kodalkar (PW-8) {at page 49}, to support his contention that the Trial Court failed to appreciate the entire evidence in its proper perspective and thereby erred in passing the impugned Judgment.

10. Mr. S. H. Yadav, learned A.P.P. for Respondent No. 1-State, submits that to date, the prosecution has not filed any appeal as there are no instructions from the Director of Prosecution, Law and Judiciary, to file an appeal against the impugned Judgment which is dated 18th April 2026.

11. Perused the records.

12. A perusal of the evidence of the witnesses referred to and relied upon by Mr. Abhijeet Chabukswar, learned Advocate for the Appellant, indicates that there was prior enmity between the family of Respondent Nos. 2 to 11 and the Appellant. Appellant (PW-2) claims that the Respondent-accused abused the Appellant (PW-2) through caste-based abuse and threatened to kill him. In his deposition, the Appellant (PW-2) states that “*after hearing them shout, his relatives and other persons came to rescue them*”.

13. The prosecution evidence lacks material to establish that the alleged abuses hurled at the Appellant were intended to insult or humiliate the Appellant because the Appellant was a member of a particular Schedule Caste or Tribe. Mr. Abhijeet Chabukswar, learned Advocate for the Appellant, was unable to point to any evidence in the record to establish the ingredients of offences under the SC & ST Act.

14. Kiran Bansode (PW-4), in his evidence, claimed that he sustained an injury to the left side of his head in the said incident and that his skull was fractured. He further claimed that he sustained injuries to the right side of his head, his forehead and his nose. He stated that his blue shirt had blood stains. For treatment, he was sent to a hospital at Mhaswad, but due to the skull fracture, he was further sent to the civil hospital. In cross-examination, he denied going to the civil hospital and stated that instead, he went to Yashwant Hospital.

15. Dr. Laxman Dhondiba Kodalkar (PW-8), examined Appellant (PW-2), Vinod Sunil Bansode (PW 5), Rohit Sandip Sawant (PW 12) and Kiran Vitthal Bansode (PW 4). In his cross-examination, he states that *“It is true to say that out of patients, none of the patient has oozing blood injuries. Stone, constructed katta, hard surface of the ground falls in the category of hard object. Contusion and abrasion are in local language called as swellings and bruises injuries. Injury No.2 to 4 of Exh.104 of patient Sakharam Bansode are possible to cause due to fall on hard surface. Injury No.1 of Exh.104 of patient Sakharam Bansode is possible to cause due to fall on stone or constructed katta. Both injuries of Exh.105 pertaining to patient Vinod Bansode are possible to cause due to fall.”*

16. Dr. Sanjay Shivajirao Deshmukh (PW-9) states that Kiran Bansode (PW-4) was referred to him by a doctor at Jay Bhagwan Hospital, Mhaswad, for a scan of the head injury. He has stated that the *“Cause of injury is not mentioned in Article – A. Such head injury can possible to cause due to fall on hard katta”*.

17. Dr. Anil Vishnu Patil (PW-11) has stated that Kiran Bansode (PW-4) was brought to his hospital on 25.20.2017 (the day after the incident). In his cross-examination, he states that *“The head injuries of patient Kiran are possible to cause by fall on platform or stony/hard surface”*.

18. The prosecution case refers to Respondent Nos. 2 to 11, the CCL and 15 to 16 other persons, carrying iron rods, sticks and a spade, present at the time of the alleged assault. During her cross-examination, Pooja Vitthal Bansode (PW-10) states that there was a bazaar at the place of the incident and that a large number of people had gathered on the day of the incident. She has stated that there was a commotion at the spot, and nobody could understand what was happening.

19. Mr. Abhijeet Chabukswar, learned Advocate for the Appellant, submitted that the witnesses have stated that they were assaulted by Respondent Nos. 2 to 11. However, Mr. Abhijeet Chabukswar was unable to show from the evidence specific overt acts in respect of the Respondent Nos.

2 to 11 and the CCL.

20. The Trial Court, upon appreciating the evidence as well as the material and the contentions urged before it, has come to the conclusion that the evidence adduced by the prosecution is not convincing, reliable or sufficient to prove the guilt of the accused. In paragraph Nos. 19 to 24 of the impugned Judgment the Trial Court has observed as under :-

“19. The cross-examination of Kiran Bansode and Pooja Bansode would show that they do not possess record about holding of golden chains. The evidence of complainant Sakharam and his brother Kiran also shows that they do not possess record about holding of Samsung mobile phone. Therefore, in absence of some evidence about holding such articles by the witnesses, allegations of losing of the same during course of incident are not sustainable in the eye of law.

20 . Though all prosecution witnesses alleges that Balu Kate and Sayaji Jadhav dragged Pooja and gave blow on her chest and thereby outraged her modesty, Pooja during course of her cross-examination failed to identify the accused Shashikant Kate present before Court saying that he is not present before Court. No medical evidence of sustaining injuries on chest. Therefore, it cannot be said that accused Balu Kate and Sayaji Jadhav have outraged modesty of Pooja by giving blows on her chest.

21. Notably, the cross-examination of material witnesses would show that on the date of incident there was bazaar of village Bhalawadi, small sellers gathered in the Bazaar place, installed

their tents with support of iron rod and bamboo sticks, customers were gathered to purchase required articles, there was crowd of people. The cross-examination of Pooja shows that at the time of incident there was chaos at the place of offence and nobody was in a position to understand what is happening there. Similarly, the witness Sunil Bansode failed to identify and tell names of all accused present before Court and such is the statement made by him in his examination in-chief itself. He further stated that in the crowd of people somebody assaulted to him and he could not tell the name of the persons who assaulted him.

22. *A suggestion was put to all these prosecution witnesses i.e. complainant and injured witnesses that they have assaulted to Shashikant Kate and his wife Rajashri Kate present in Bazaar. The copy of F.I.R. of Rajashri Kate is collected by I.O. and produced in the proceeding. It is at Exh.132. On perusal thereof, it appears that it was filed against Rohit Sawant, Kiran Bansode, Sangram Bansode, Sunny Bansode, Anil Bansode, Sunil Bansode, Nandkumar Bansode, Kusum Londhe, Vinod Bansode, Akshay Tayade and Shobha Londhe. So, except Pooja Bansode, all prosecution witnesses are accused in the said case. The prosecution witnesses hesitated in telling truth about fact of filing this complaint against them about incident occurred on the same day. However, from perusal of the allegations of said F.I.R., it appears that complaint was filed by Rajashri Kate, wife of accused Shashikant Kate about incident taken place on same day at the hands of present complainant and witnesses with her and husband.*

23. Suggestion was also put to the prosecution witnesses that during course of said 'Maramari' there is a chaos in the bazaar and they sustained injuries from unknown persons. Though they denied the same, but fact remains that on the day of incident there was bazaar, more than 300 persons gathered there. Therefore, the possibility of sustaining injury in free fight between two groups cannot be ruled out at this stage, particularly when witness Sunil stated that he noticed 'Maramari' when visited to the place of offence.

24. It is also important to note that in all Medical certificates of Exh.104 to 108, history of assault at the hands of accused persons is not mentioned or stated by the complainant and injured persons before concerned Medical Officer. From the evidence of Dr. Sanjay Deshmukh. it reveals that Kiran Bansode sustained fracture injury to his head, injuries of other persons viz. Sakharam Bansode, Vinod Bansode, Rohit Sawant are appears to be simple in nature and possibility of causing those injuries due to fall on hard surface is expressed by the Medical Officer during the course of cross-examination. Therefore, accused cannot be held responsible for those injuries.”

21. The Hon’ble Supreme Court, in the case of *State of Rajasthan Vs. Kistoora Ram*¹, in paragraph No. 8, has observed as under :-

“The scope of interference in an appeal against acquittal is very limited. Unless it is found that the view taken by the Court is impossible or perverse, it is not permissible to interfere with the finding of acquittal. Equally if two views are possible, it is not permissible to set aside an

1 (2023) 18 SCC 87

order of acquittal, merely because the appellate court finds the way of conviction to be more probable. The interference would be warranted only if the view taken is not possible at all.”

22. The impugned judgment is well reasoned. The Appellant has failed to show any perversity. In view of the above, no case is made out to interfere with the impugned Judgment. The appeal is without merits.

23. The Criminal Appeal No. 148 of 2026 is accordingly dismissed.

[ASHWIN D. BHOBE, J.]

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