



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

911 CRIMINAL APPEAL NO. 69 OF 2025

SACHIN UTTAM JORAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

....

Mr. Shailesh S. Chapalgaonkar, Advocate for the Appellant
Ms Ashlesha S. Deshmukh, APP for Respondent No.1 – State

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 12.02.2025

PER COURT :-

1. Heard at length Mr. Chapalgaonkar, the learned counsel for the Appellant and Ms. Ashlesha S. Deshmukh, learned APP for the Respondent no. 1.

2. In the present case, a very short issue is involved i.e. whether the appellant has made out case for discharge for the offence under Sections 324, 342, 143, 147, 148, 149 of I.P.C. r/w Sections 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is a matter of record that, on 27.07.2022, the informant Shri Bhaurao Chindhu Pawar lodged a report with Kopergaon Rural Police Station, District Ahmednagar, alleging

that, on 26.07.2022 at about 12.00 noon, he was assaulted at the hands of the accused persons and abused him on his caste in the large public view, he was detained in a room on account of financial issue and he sustained grievous injuries. Therefore, he was hospitalized. On the basis of said report, a Crime No.0287 of 2022 registered with Kopergaon Rural Police Station. During the course of the investigation, the Investigating Officer recorded statements of the witnesses. the witness Smt. Alka Lalchand Jadhav stated in her statement that, after hearing noise of quarrel, on 26.07.2022, at about 12.00 noon, she and one Sarita Jadhav visited near office of the Grampanchayat and witnessed that the accused No.1 Somnath Jakhu Jorawar, accused No.2 Bhagirath Jakhu Jorawar, were assaulting the informant Bhaurao Pawar with stick. Others accused Avinash Navnath Jorawar, Gulab Nivrutti Sawant and other five persons were abusing on caste to Bhaurao Pawar and were assaulting with fist and blows to Bhaurao Pawar. Therefore, she and Sarita Maghan Jadhav intervened, however, the accused Avinash Navnath Jorawar assaulted and outraged her modesty.

4. While recording supplementary statement on 25.08.2022, said witness also disclosed about outrage of modesty at the hands of

the present Appellant accused Sachin Uttam Jorawar. Therefore, the provisions of Section 354 of I.P.C. added in Crime No.0287 of 2022. After completion of the investigation, charge-sheet came to be filed against the accused for the offences punishable under Sections 3(1)(s), 3(1)(r), 3(2)(va) 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 354, 324, 342, 143, 147, 148, 149, 504, 506 of I.P.C.

5. The present Appellant/accused filed Exh.26 an application under Section 227 of Cr.P.C. and prayed for discharge in Crime No.287 of 2022, registered with Kopargaon Rural Police Station, mainly on the following grounds:-

- (i) Initially, the name of the present Appellant/accused was not mentioned in the F.I.R.;
- (ii) The witness Alka Jadhav and Sarita Jadhav, gave their statements and made allegations about outrage of their modesty. after thought;
- (iii) All the witnesses are the relatives of the informant and they have given their statement with ulterior motive against him;
- (iv) No case is made out against him in respect of Atrocities act and outrage of the modesty;
- (v) The statements of both the witnesses Alka Jadhav and Sarita Jadhav are contradictory to each other;

- (vi) The statement of the witnesses are in omnibus against him;
- (vii) The informant is in habit to lodge false complaints against unknown persons;
- (viii) No specific role attributed against him;
- (ix) The witness Alka Jadhav is the standing Sarpanch of the said village and accused Somnath is the standing Deputy Sarpanch and due to political revelry, false F.I.R. has been lodged.

6. The learned trial Court passed the impugned order dated 01.08.2024 below Exh.26 and rejected the Application for discharge holding that there is sufficient material available on record that the present Appellant/accused pressed breast of the female witness and torned her clothes, with an intention to outrage her modesty.

7. The learned counsel for the Appellant canvassed that while lodging the F.I.R., the informant has not disclosed about outrage of modesty of any female who were present at the spot of incident. However, while recording supplementary statements, the female witnesses disclosed about outrage of her modesty, which is after thought. Therefore, material placed on record not sufficient to frame the charge. So also, statements of the witnesses are contradictory to each other. However, the learned trial Court failed to

consider material available on record and rejected the application Exh.26, therefore, impugned order is illegal, bad in law, therefore, prayed to quash and set aside the same.

8. Per contra, the learned APP supported the findings of the learned trial Court. The learned APP canvassed that, at the time of assault, the victim/informant could not have chance to see about outraging of modesty of the women at the hands of the present Appellant/accused. However, during the course of investigation, the female witnesses gave specific statements about outrage of their modesty by removing their clothes and pressing their breasts, which is sufficient material to frame the charge. Therefore, the learned trial Court rejected the application, which is just and proper.

9. Indeed, while lodging the F.I.R., the informant Bhaurao Chindhu Pawar has not disclosed about outrage of modesty of the women at the hands of the present Appellant/accused. However, while recording statements of the witnesses, the female witnesses Alka Lalchand Jadhav and Sarita Maghan Jadhav, both disclosed about abusing on caste and outrage of their modesty by pulling their clothes worn by them and pressing the breast. Section 227 of the Cr.P.C. provides for discharge, if after hearing and considering the

material available on record, it is not sufficient to frame the charge or the charges are groundless. Section 228 of Cr.P.C. provides that, if upon consideration and hearing, if the judge is of the opinion about existence of grounds for presuming that, the accused has committed an offence and the material available on record is sufficient to frame the charge, in that case the Court can frame the charge. In case-in-hand, the statements of the witnesses as well as the other material available on record are sufficient to frame the charge as against the present Appellant/accused.

10. In *Vishal Badrinath Wadekar Vs. State of Maharashtra and others, 2025(1) Mh.L.J. (Cri.) 178*, the coordinate Bench of this Court at Nagpur Bench, in paragraph 21, has observed thus :-

“21. It is well settled that at the stage of framing of charges, when the Magistrate or the Judge to consider the above question on a general consideration on material placed before him/her by the Investigation Officer, veracity and effect of evidence which the prosecutor proposes to adduce are not to be meticulously judged. At the stage of framing of charge or while considering discharge application, it is to be seen, whether there is a sufficient ground for proceeding against accused. “Ground” in the context, is not a ground for conviction, but a ground for putting accused on trial. It is in the trial, guilt or innocence of accused will be determined and not at the time of framing of charge and, therefore, elaborate enquiry in sifting and weighing materials is not required. It is also not necessary to delve deep into various aspects. All that the court has to

consider is, whether evidentiary material, if generally accepted, would reasonably connect the accuse with the crime or not.”

11. On 01.08.2024, the learned Additional Sessions Judge passed the impugned order considering the material available on record as well as statements of the witnesses and rejected the Application, which does not appear illegal, perverse, bad in law. The grounds are set out in the present appeal does not warrant to interfere with the findings of the learned trial Court. Therefore, no case is made out to issue notice to Respondent No.2. Accordingly, the Appeal is dismissed.

[Y. G. KHOBRADE, J.]

SMS