

PART “A”

MHAK050004612025	Received on	:	23.09.2025
	Registered on	:	23.09.2025
	Decided on	:	16.06.2026
	Duration	:	Yrs. Ms. Ds. 00 08 24
<u>IN THE COURT OF JUDGE, SESSIONS COURT, AKOT, AT AKOT, DISTRICT AKOLA.</u> <u>Present : B. M. Patil, Judge, Session Court,</u> (Judgment delivered on : 16.06.2026.) <u>Sessions Case No. 44/2025</u> <u>Exh. No. 36</u>			
Crime No.320/2025, under sections 78, 64(2)(m), 351 of the Bharatiya Nyaya Sanhita, 2023 of Akot Rural Police Station.			
Prosecution	:	The State of Maharashtra, through Police Station In-Charge, Akot Rural Police Station.	
Represented by	:	Ld. APP Shri A. V. Deshmukh	
Accused	:	1] Shubham Vilas Aherkar Age : 26 years, Occu : Labour, R/o. - Belura, Tq. Akot, Dist. Akola.	
Represented by	:	Ld. Adv. Shri. M. N. Verma	

PART “B”

Date of Offence	:	01.01.2023
Date of FIR	:	07.07.2025
Date of Charge-sheet	:	23.09.2025
Date of Framing of Charges	:	18.11.2025
Date of commencement of evidence	:	23.12.2025

Date on which judgment is reserved	:	--
Date of the Judgment	:	16.06.2026
Date of the Sentencing Order, if any	:	--

Accused Details :-

Rank	Name	Date of Arrest	Date of release on Bail	Offences charged with Sections	Whether convicted or acquitted	Sentence imposed	Period of Detention undergone during Trial for purpose of S.428 CrPC.
1)	Shubham Vilas Aherkar	07.07.2025	02.02.2026	Sec. 78, 64(2)(m), 351 of the B.N.S, 2023.	Acquitted	--	--

PART "C"**LIST OF PROSECUTION/ DEFENCE /COURT WITNESSES****A. Prosecution :**

Rank	Name	Nature of Evidence
PW1	Mother of Victim	Witness
PW2	Uncle of victim	Witness
PW3	Gopal Rambhau Pachang	Spot panch
PW4	Sagar Madan Bangale	Witness
PW5	Victim	Informant

B. Defence Witnesses, if any :

Rank	Name	Nature of Evidence.
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C. Court Witnesses, if any :

Rank	Name	Nature of Evidence.
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit Numbers	Description
1	P19/PW-3	Letter of Akot Rural Police Station
2	P20/PW-3	Letter
3	P21/PW-3	Letter
4	P22/PW-3	Spot panchanama
5	P24/PW-4	Duty pass
6	P30/PW-5	Printed FIR
7	P35	Statement of the accused under Section 313 Cr.PC.

B. Defence :

Sr. No.	Exhibit Number	Description
1.	32	Spot panchanama
2.	33	Arrest memo

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
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D. Material Objects :

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

::JUDGMENT::
(Delivered on 16th June 2026)

Accused is charged with offences punishable under sections 78, 64(2)(m), 351 of the Bharatiya Nyaya Sanhita, 2023.

The prosecution case:

2. The victim informant lodged report at Akot Rural Police Station on 10.06.2025 informing that, she has been residing with her mother and brother at the house of her uncle at village Belura. She has been taking education in a college at Akot. For that purpose she used to come to Akot by bus. The accused used to follow her and talk with her. The victim told him that, he should not follow her. However, he continued to follow her. On 07.03.2023 he gave wrist watch to the victim and told that, she should accept it and that he would not follow her thenceforth. She therefore accepted it. He snapped photograph at that time. On 11.12.2023, after school hours, the victim was proceeding to bus stand. At that time, the accused called her at a net cafe at Gokul Colony Akot. He threatened her that unless she went there, he would make the photograph viral which he had snapped at the time of giving gift. She therefore went to Gokul Colony Akot. He took her to a net cafe in one room. She requested him to delete photograph. At that time, the accused did forcible sexual intercourse with her. He did not delete photographs. He threatened her that he would defame her if she disclosed anything to anybody. The

victim got apprehended about her defamation. Therefore, she did not lodge any report. She consistently used to request the accused that, he should delete photographs. He used to ask her to meet him. However, the victim used to avoid him. On 12.10.2024 the victim received phone-call of the accused. He called her to Akot bus stand at 8.00 AM on the next morning. He threatened her that, he would make the photographs viral unless she comes at bus stand. The victim got afraid and went to Akot bus stand at 8.00 AM. The accused took her to Shivaji Chouk bus stand road at one guest house. The victim told the accused to delete photographs. He told the victim that, the cell-phone was kept for charging in one room. She should go to that room and she herself should delete the photograph. Accordingly, she herself should go to the room on the first floor of Rajwada Guest house. The victim went there and started searching his cell-phone. The accused closed the room. The victim told him to let her go, however, the accused did forcible sexual intercourse with her. He used to blackmail her. The victim returned to her house. She used to continuously request him to delete photographs. He however, denied to delete it. Later on it was revealed that, the victim had got pregnant from the accused. The victim went to the accused and informed about it. The accused told the victim that, they would abort the child. However, they would be required to marry otherwise there would be no abortion. Thereupon the accused took the victim to Chandravilla Vivah Mandal. It was shown that, accused and victim got married. The same was only for the

purpose of abortion of the child. Thereafter the victim return to her home. The accused used to threaten the victim to defame her. In the month of April 2025 the victim went to the police station thrice to lodge FIR however, police did not take it down. They registered a non-cognizable case therefore, the victim filed an application in the Court and sought investigation. Thereupon crime No.320/2025 for offences punishable under Sections 64 and 351 B.N.S. came to be registered.

3. PSI Katole conducted the investigation. She recorded statement of witnesses, collected medical documents, collected samples for DNA analysis, prepared spot panchanama and upon due and necessary investigation submitted charge-sheet against the accused alleging the offences supra.

4. As the offence punishable under Section 64 of B.N.S. is exclusively triable by the Court of Sessions, Ld. Judicial Magistrate First Class, Akot committed the case to this Court.

5. As there was sufficient material, this Court has framed charge against the accused for offences punishable under sections 78, 64(2)(m), 351 of the Bharatiya Nyaya Sanhita, 2023. Accused pleaded not guilty and claimed to be tried. His defence is of total denial.

6. The statement of the accused recorded u/s. 313 of

Cr.P.C. According to the accused, he is falsely implicated in this case. He has substantially denied all the incriminating circumstances in the said statement. No overt defence is taken by the accused except that of the false implication.

7. Heard Ld. APP Shri A. V. Deshmukh for the State Prosecution and Ld. Advocate Shri M. N. Verma for the accused. Perused the available material.

8. Points for determination and finding thereon are as follows :

Sr.No.	Points	Findings
1	Does the prosecution prove that, accused on and between 01.01.2023 and 07.07.2025, at village Belura, at Rajwada Guest House, and at a Beyond Temptation cafe in one room at Gokul Colony, did follow the victim and contact her repeatedly to foster personal interaction, despite a clear indication of disinterest shown by her, and thereby committed an offence of stalking, punishable under Section 78 of B.N.S?	No
2	Does the prosecution prove that, accused on 11.12.2023 after 2.00 pm., at Beyond Temptation cafe in a room at Gokul Colony, committed rape upon the victim, and again on 12.10.2024 at about 8.00 a.m. at Rajwada Guest House at Akot, committed rape upon the same	No

	victim, and that the said act of rape was repeated, and thereby committed an offence punishable under Section 64(2)(m) of B.N.S.?	
3	Does the prosecution prove that, accused on the aforesaid day, date, time and place committed criminal intimidation of the victim by threatening to make her photographs viral on social media with the intent to defame her and thereby committed an offence punishable under Section 351 of B.N.S.?	No
4.	What order?	As per final order.

REASONS**AS TO POINTS NOS.1 TO 4 :-**

9. All these points are quite interlinked and require a common appreciation of the evidence. Therefore, they will be discussed under a common heading.

10. While appreciating the merits of the prosecution imputations, it may be noted that, the victim who entered into witness box at Exh.29 deposed that, the report was lodged as per the orders of Court. She however denied the truth of all the contents of the report. She further deposed that, the accused did not take her to Rajwada Guest House and did not do any sexual violence or assault with her. As such, she did not support the prosecution case to any extent.

11. Adverting to the other evidence on record, though mother of the victim at Exh.5 and maternal uncle of the victim at Exh.6 deposed that, victim told them that, the accused used to follow the victim and that she had stated to them about alleged sexual violence/rape on her by the accused, the evidence of these witnesses do not inspire any confidence. The reason behind it is that their knowledge is based on the alleged disclosure by the victim, however, the victim herself has not supported the prosecution case to any extent. In that premise, apart from the evidence of mother PW-1 and uncle PW-2 being hearsay, the same needs rejection from consideration as these witnesses are outright hearsay.

12. Evidence of Gopal PW-3 pertains to preparation of spot panchanama at village Belura at a house, another spot panchanama at one Net cafe and the last spot panchanama at Rajwada Guest House on 2nd floor, in terms of exhibits 21 and 22. However, none of these panchanamas do show any overt incriminating material having bearing on role of the accused qua the alleged incident. As such, evidence of Gopal PW-3 is absolutely insignificant. Sagar PW-4 on similar terms is projected as police carrying samples to forensic science laboratory. The same is also quite insignificant inasmuch as the victim herself has not supported the prosecution case in respect of alleged rape or sexual violence or assault.

13. For the foregoing reasons, there is no overt and

clinching support to the prosecution case by the testimony of the victim herself. She has refuted and denied all the prosecution allegations regarding the charge imputations. Mother PW-1 and Uncle PW-2 are deposing about stray imputations which are based on disclosures made by the victim, however, the later has not supported the prosecution case. In the given premise, the prosecution fails to establish the guilt of accused beyond reasonable doubt. Accordingly, the trial ends in acquittal. Hence, the order.

ORDER

(1)	Accused Shubham Vilas Aherkar is hereby acquitted of the offence punishable under Sections 78, 64(2)(m), 351 of the Bharatiya Nyaya Sanhita, 2023, <i>vide</i> Section 235(1) of the Code of Criminal Procedure, 1973.
(2)	Bail bonds of the accused are cancelled.
(3)	The accused is directed to furnish PB and SB of Rs.15,000/- under Section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the period of six months from today.

Place : Akot,
Date : 16.06.2026.

(B. M. Patil)
Additional Sessions Judge,
Akot.

Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of Steno : Ms. Pratiksha Gawande [Steno Gr.-III]

Court Name : Additional Sessions Judge, Akot.

Date of Order/Judg. : 16.06.2026.

Signed by Presiding on : 16.06.2026.

Uploaded on : 16.06.2026.

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