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Duration : 02 Y. 00 M. 13 D.

IN THE COURT OF SESSION JUDGE DHULE, AT : DHULE.

(Presided over by Y. G. Deshmukh, Additional Session Judge, Dhule)

(CNR NO. MHDH010042412024)

Session Case No.165/2024.

Exh. No.

(Crime No.281/2023 of Deopur Police station)	
Complainant	: The State of Maharashtra.
Represented by	: Shri. G. Y. Patil, A.P.P
Accused	: Hemantkumar Prabhakar Patil, Age:- 51 years, Occu.:- Service, R/o. Control room, Nandurbar.
Represented by	: Advocate Shri. N. P. Mehta.

Date of offence	: Winter of 2022 till November-2023
Date of F.I.R.	: 01-11-2023.
Date of Charge-sheet	: 26-02-2024.
Date of framing charge	: 22-09-2025.
Date of commencement of evidence	: 17-11-2025.
Date on which judgment is reserved	: 18-03-2026.
Date of Judgment	: 18-03-2026.
Date of sentencing order if any	: ---

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 section 428 of Cr. P. C.
1)	Hemantkumar Prabhakar Patil.	28-11-2023	28-11-2023	Sec.376, 354-A, 354-B, 354-D, 509, 506, I.P.C. Sec. 67, 67-A of I.T.Act.	Acquitted	---	---

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A – Prosecution.

<u>Rank</u>	<u>Name</u>	<u>Nature of Evidence</u>
P.W.1	Sanjay Baburao Mahale	Panch witness.
P.W.2	Sarika Jitendra Gaikwad	Panch witness.
P.W.3	Victim	Informant.
P.W.4	Anand Ashok Kokare	Investigating officer.
P.W.5	Santosh Martand Ghotekar	Investigating office.

B – Defence Witness if any – Nil.

C – Court Witness if any – Nil.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A – Prosecution.

<u>Sr. No.</u>	<u>Exhibit No.</u>	<u>Description</u>
1)	P-22/P.W.1	Spot panchanama.
2)	P-25/P.W.2	Spot panchanama.
3)	P-32/P.W.3	Signature of PW3 on F.I.R.
4)	P-33/P.W.3	Signature of PW3 on statement u/s. 164 of Cr.P.C.

5)	P-45/P.W.4	Letter of S.P. Dhule.
6)	P-46/P.W.4	Portion "A" of supplementary statement of PW3.
7)	P-47/P.W.4	Letter to Court.
8)	P-48/P.W.4	Letter to Court.
9)	P-49/P.W.4	Letter to M.O., Civil Hospital, Dhule.
10)	P-52/P.W.5	E.I.R.

B - Defence – Nil.

C – Court Exhibits

<u>Sr. No.</u>	<u>Court Exhibits</u>	<u>Description</u>
1)	10	Charge.
2)	53	Evidence Close pursis.
3)	54	Statements of accused u/sec.313 of Cr.PC.

D – Material Objects : Nil.

J U D G M E N T

(Delivered on 18.03.2026)

*In view of the observations of the Honourable Apex Court, in the case of **State Vs. Gurmit Singh ((1996) 2 SCC 384)** regarding avoiding to disclose name of prosecutrix , in order to save further embarrassment to her and keeping in mind spirit of the Section 228A of IPC, this Court has taken every endeavour not to disclose or indicate the name of the prosecutrix in the judgment.*

2] The accused is facing trial for the offences punishable under section 376(1), 354-A, 354-B, 354-D, 509, 506 of the Indian Penal Code and section 67, 67A of the Information Technology Act, 2000.

3] In brief, the case of the prosecution is as follows :

On 27-08-2023 informant lodged FIR that she met the accused in the year 2021-22 in respect of one matrimonial dispute. At that time accused was P.I. at Taluka Police station. He took mobile number of informant. Thereafter they started talking to each other and thereafter developed friendship. After his transfer to L.C.B., the informant used to meet the accused in L.C.B. office. Thereafter informant entered into an agreement to sale of a house with one Dattu Deore and gave him a sum of Rs.4,00,000/- as advance money. After public notice informant came to know that said house is already purchased by someone. Therefore she canceled the agreement and demanded the advance money, but he refused to repay the same. Therefore, informant sought help of accused, on which he demanded sexual pleasure from her on whats app call. It is alleged that in the year 2023 accused used to make video call to the informant in the night, and used to tell her to undress herself by threatening her to defame her in the society, and she used to undress herself due to fear. He used to threaten the informant to make viral her videos. Informant was scared, therefore after his transfer, she lodged F.I.R. against the accused. On these allegations FIR was registered against him. After lodging of FIR on 11.11.2023 when the statement of informant under Section 164 of Cr.P.C. was recorded by Ld. Magistrate she made a statement that by threatening to defame her the accused also established forcible sexual relations with her. On the basis of the same, offence came to be registered against the accused u/s. 376, 354-A, 354-B, 354-D, 509, 506 of the Indian Penal Code and section 67, 67A of the Information Technology Act, 2000 with Deopur police station,

vide C.R. No.281/2023.

4] Investigation of the said offence is carried out by PW4 P.I. Shri. Anand A. Kokare, he recorded the statement of witnesses, prepared spot panchanama, referred the informant for medical examination to Civil Hospital, Dhule, referred the accused for medical examination, referred the medical samples for CA reports. After completion of the investigation, the charge-sheet came to be filed against the accused.

5] The offence punishable under section 376(1) of the I.P.C. is exclusive triable by Court of Sessions. Hence, case was committed to the Court of Sessions.

6] Charge was framed against the accused vide Exh.10, contents of the same were read over and explained to them in vernacular language, to which he pleaded not guilty and claimed to be tried.

7] The prosecution examined five witnesses and closed its evidence.

8] Statement of the accused under section 313 of Cr.P.C. is recorded at Exh.54. The defence of accused is of total denial.

9] The following points arise for my determination to which I have given my findings for the reasons to follow.

<u>POINTS</u>	<u>FINDINGS</u>
1) Does prosecution prove that, from the winter of year 2022 till November-2023, in the house of informant at Radhakrushna Colony, Deopur Dhule, from time to time, accused committed rape on the informant ?	No.
2) Does the prosecution further prove that, on the aforesaid date, time and place, accused committed physical contact and advances involving unwelcome and explicit sexual overtures and committed sexual harassment of the informant ?	No.
3) Does the prosecution further prove that, on the aforesaid date, time and place, accused committed used criminal force to the informant with intent to disrobe her ?	No.
4) Does the prosecution further prove that, on the aforesaid date, time and place, accused followed the informant and attempted to contact her to foster personal interaction repeatedly despite a clear indication of disinterest by the her ?	No
5) Does the prosecution further prove that, on the aforesaid date, time and place, accused intending to insult the modesty of informant, talked with her in obscene manner and demanded sexual favour ?	No
6) Does the prosecution further prove that, on the aforesaid date, time and place, accused committed criminal intimidation by threatening the informant with injury to their person ?	No
7) Does the prosecution further prove that, on the aforesaid date, time and place, accused transmitted the obscene photo of informant in electronic form ?	No.
8) Does the prosecution further prove that, on the	No.

POINTS

FINDINGS

aforesaid date, time and place, accused transmitted the obscene video of informant containing sexually explicit material in electronic form ?

9) What order ?

As per final order.

REASONS

As to points Nos.01 to 08 :

10] Since all these points are inter related I will discuss them together, in order to avoid repetition of same facts.

11] The prosecution case mainly rests upon the testimony of the prosecutrix, who, is the star witness, but, has not supported the case of the prosecution and has been declared hostile. In her substantive evidence before the Court, she has categorically denied that any incident as alleged in the FIR had taken place. Though she admitted her signature on the FIR, she has specifically denied the contents thereof. Her evidence does not disclose any act on the part of the accused constituting the alleged offences. Even after permitting the learned APP to cross-examine the prosecutrix, nothing has been brought on record to substantiate the allegations made in the FIR or in her statement under Section 164 of Cr.P.C. Thus, her evidence does not inspire confidence and is insufficient to prove the guilt of the accused.

12] It is a settled principle of law that conviction in cases of sexual offences can be based solely on the testimony of the

prosecutrix, if it is found to be reliable and of sterling quality. However, where the prosecutrix herself resiles from her earlier version and does not support the prosecution case, and her testimony is not trustworthy, the Court cannot base conviction on such evidence. In the present case, the testimony of the prosecutrix is completely destructive of the prosecution case.

13] The medical evidence i.e. the medical report is at Exh. D33 shows that doctor has opined that sexual intercourse cannot be ruled out, however, the final opinion is reserved pending FSL report, which is not produced on record. Even otherwise, the medical evidence does not establish that the alleged act was committed by the accused. It is well settled that medical evidence is only corroborative in nature and cannot substitute substantive evidence. When the prosecutrix herself has not supported the case, the medical evidence loses its evidentiary value. Moreover, the prosecutrix was examined medically after a considerable lapse of time from the alleged incident, thereby reducing the possibility of detecting any signs of recent sexual assault. The history recorded before the medical officer cannot be treated as substantive evidence, particularly when the prosecutrix has not supported the same before the Court.

14] The evidence of the panch witnesses and the Investigating Officer is of formal nature and does not establish the involvement of the accused in the alleged crime.

15] Insofar as the offence punishable under Section 376(1) of the Indian Penal Code is concerned, there is no substantive evidence to prove that the accused had committed rape upon the prosecutrix. The prosecutrix has not deposed about any forcible sexual intercourse by the accused. Therefore, the essential ingredients of the offence are not proved. With regard to the offences punishable under Sections 354-A, 354-B and 354-D of the Indian Penal Code, there is no evidence on record to show that the accused had made any unwelcome sexual advances, assaulted or used criminal force with intent to outrage modesty, or committed stalking. The prosecutrix has not supported any such allegations. In respect of the offence punishable under Section 509 of the Indian Penal Code, there is no evidence that the accused had uttered any words or made any gesture intending to insult the modesty of the prosecutrix. As regards the offence punishable under Section 506 of the Indian Penal Code, there is no material on record to establish that the accused had extended any criminal intimidation to the prosecutrix.

16] As regards the offences under Sections 67 and 67A of the Information Technology Act, 2000 are concerned, there is no legally admissible electronic evidence produced on record to show that the accused had transmitted or published any obscene or sexually explicit material. The prosecution has failed to prove these charges in accordance with law. Thus, on overall appreciation of the evidence, it is clear that there is no cogent and reliable evidence to connect the accused with the alleged offences. The testimony of the prosecutrix

being unreliable and unsupported by independent evidence, creates a serious doubt about the prosecution case. Hence, the prosecution has failed to prove the charges against the accused beyond reasonable doubt. Hence I answer the points under consideration in negative.

As to point No. 9 :

17] In view of my above discussion and findings as to points, accused is to be acquitted. Hence, this Court proceeds to pass the following order.

ORDER

- 1) Accused Hemantkumar Prabhakar Patil, is hereby acquitted vide Section 235(1) of Cr.P.C. for the offences punishable under section 376(1), 354-A, 354-B, 354-D, 509, 506 of the Indian Penal Code and section 67, 67A of the Information Technology Act, 2000.
- 2) His bail bond and surety bond stand cancelled.
- 3) He shall furnish P.R. bond of Rs.25,000/- and one surety of like amount for his appearance before the Appellate Court in case of filling of appeal.

(Dictated and pronounced in open Court in presence of accused)

Place : Dhule.
Date : 18-03-2026.

(Y. G. Deshmukh)
Additional Sessions Judge, Dhule.

CERTIFICATE

I certify that the contents of this PDF file are word to word as per Original Judgment /order .
Name of the Steno : T. R. Pankhedkar.
Name of the Court : Court of District Judge-3 & Addl. Sessions Judge, Dhule.
PDF Uploading Date : 18-03-2026.

Sd/...
Stenographer (Gr.I)