

MHGA010008652025



Presented on : 14.10.2025

Registered on : 14.10.2025

Decided on : 06.08.2026

Duration : 00Y 08M 22D

Exh. No. 21

IN THE COURT OF SESSIONS JUDGE AT GADCHIROLI
(Presided over by A. L. Tikle)

SESSIONS CASE No.113/2025

(CNR NO.-MHGA010008652025)

The State of Maharashtra

Through the Police Station Officer,

Police Station, Armori,

District : Gadchiroli

... **Prosecution**

Versus

Akash S/o Ganesh Mongarkar,

Age : 29 Years, Occu : Service,

Resident of Gautam Nagar, Gadchiroli,

Tahsil : Gadchiroli, District : Gadchiroli

At present R/o. ITBP, Haldichaud, (Lalkuna),

District : Nainital (Utter Pradesh)

... **Accused**

Mr. S. U. Kumbhare, the learned A.P.P. for the prosecution.

Mr. P. R. Thakare, the learned Advocate for the accused.

JUDGMENT

(Delivered on 6th August, 2026)

<u>(Details of FIR/Crime and Police Station)</u>	
F.I.R.No.258/2020, U/s 376(2)(n), 417 of the Indian Penal Code, 1860 registered with the Police Station, Armori.	
Prosecution	State of Maharashtra through the Police Station, Armori.
Complainant :	The victim

Represented by	Mr. S.U. Kumbhare, Addl. Public Prosecutor
ACCUSED :	Akash S/o Ganesh Mongarkar,
Represented by	Mr. P. R. Thakare, Ld. Advocate

“Part B”

Date of offence	01.11.2018 to 25.10.2019
Date of FIR	24.09.2020
Date of Charge-sheet	08.09.2025
Date of Framing of Charges	01.08.2026
Date of commencement of evidence	05.08.2026
Date on which judgment is reserved	---
Date of the Judgment	06.08.2026
Date of the Sentencing Order, if any	Not applicable

Details of Accused :

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.PC.
1	Akash Ganesh Mongarkar	10.12.2020	10.12.2020	Sec.376 (2)(n), 417 I.P.C.	Acquitted	-----	Non applicable.

The accused has faced the trial for the offences punishable under Sections 376(2)(n)) and 417 of the Indian Penal Code, 1860 (IPC).

FIR, INVESTIGATION AND THE PROSECUTION CASE :-

2] An oral report dated 24.09.2020 lodged by one victim aged 22 years against the accused facing trial led to registration of crime No.258/2020 at the Police Station, Armori for the above offences. Thereafter, investigation was entrusted to the then Police Sub Inspector Smt. Jyoti Rakshe

((the Investigating Officer/IO). After perusal of the oral complaint and the first information report in prescribed format (FIR), the IO proceeded to a spot and drew a panchanama of the scene of offence on 25.9.2020. On 26.9.2020 again one panchanama at one spot i.e. a Lodge was drawn by the IO. The statement of the witnesses were recorded. On 28.9.2020 the IO got conducted the medical examination of the victim. She also got recorded the statement of the victim under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C.), apart from the statements of some other witnesses. Nominally the accused was arrested on 10.12.2020, as he did secure his pre-arrest bail from the Honourable High Court of Bombay, Bench at Nagpur. At the conclusion of the entire investigation, since the I.O. found, that there was substantial evidence against the accused, she filed a charge-sheet in the Court of Judicial Magistrate First Class, Armori (the committal Court). The committal Court after taking cognizance under Section 190 of the Cr.P.C. committed the case to this Court. Then it was numbered as above.

3] When the matter was pending for hearing before the charges, the prosecution opened its case. Primarily, the oral report/FIR unfold the prosecution case as below :-

The victim used to live in one rented room at Armori. She was a student of Bachelor of Science. In the year 2018, she became acquainted with the accused then aged 29. The accused was working with a Para Military Forces. Then in the same year they met at one Bus-stop at Gadchiroli and had a discussion for close to two hours. After 2 to 4 days, the

accused came at the room of the victim. He proposed for marriage with her. Then by giving a false promise of marriage, the accused had sexual intercourse with the victim, despite there was no consent by the victim, The same then was repeated after 4 to 5 days again. On 13.2.2019 again the accused came at the room of the victim. He gifted one hand watch and Rs.2000/-, at this time also, he had sexual intercourse with the victim. Even he paid Rs.5000/- and asked the victim to get an admission for a typing course. On 14.10.2019 the accused called the victim in Nagpur. The accused then booked the railway tickets for Mumbai. On that day, they stayed at one Lodge during day time. During that stay as well as during their journey on that night, the accused had sexual intercourse with the victim repeatedly. Then they returned back to Nagpur. Again on 6.11.2019, on the birthday of the victim, they came at the Bus-stop as earlier. The accused apart from gifting Rs.1000/- to buy a dress, promised the victim, that he would perform marriage with her after the marriage of his sister. Later on, due to Covid Pandemic lock-down, they could not meet. On 12.9.2020 by making a phone-call, the accused conveyed the victim, that his mother was finding a bride for him. Even he advised the victim to approach a Police Station. At that time, the victim realized that she was cheated by the accused. Then a meeting took place on 13.9.2020 attended by some respected persons. At that meeting, the accused flatly denied to marry the victim on the ground, that he was defamed by her.

4] The other investigation material is almost in tune with the above noted prosecution case. The prosecution

proposed to rely on the statements of the various witnesses to substantiate the stay of the victim and the accused at the Lodge, so also at the rented room of the victim. Even it proposed to rely on the earlier version of the victim to the medical officer. That apart it proposes to rely on the statements under Section 164 of the Cr.P.C. to corroborate the maker/s. Thus, the prosecution has come with the case, that by giving allurements of marriage or false promise of marriage, the accused repeatedly raped the victim. He also committed cheating to induce the victim to participate in the sexual activities. Thus, the accused committed the above offences.

5] On the basis of the charge-sheet and other investigation papers, so also rival submissions, I framed the charges against the accused vide Exh.8. The accused denied the charges by his plea at Exh.9, when the charges were explained to the accused in Marathi and claimed to be tried. Thus, the trial was necessitated.

THE CHARGES AND DEFENCE :-

6] Only the prosecution has adduced the evidence. From the tenor of the cross-examination of the prosecution witness/s and the statement of the accused under Section 313 of the Cr.P.C. (Exh.20), the defence of the accused as of total denial and false implication, becomes apparent. He has contended that the victim was a consenting party. Everything happened as a fallout of the love affair between them.

7] I have heard Mr. S. U. Kumbhare, the learned Public Prosecutor for the prosecution and Mr. P. R. Thakare, the learned advocate for the accused at length, in support of

their respective submissions and contentions, which are dealt specifically as and when required as below.

8] On the basis of the above and the material placed on the record, the following points for determination arise, to which I have given the findings for the reasons thereto.

Sr. No.	Points	Findings
1	Whether the prosecution has proved that the accused in the month of November 2018 and on 13.02.2019 at the room of the victim situated at Shastri Nagar, Armori, District – Gadchiroli, ‘on 24.10.2019 at one Lodge situated in Nagpur’, then at the night of 25.10.2019 during a train journey from Nagpur to Bombay had sexual intercourse with the victim repeatedly by giving the allurements of marriage or false promises of marriage and thus accused committed an offence punishable under Section 376(2)(n) of the Indian Penal Code, 1860 ?	.. <u>Negative</u>
2	Whether the prosecution has proved that the accused had sexual intercourse as per the above charge by cheating the victim as defined under Section 415 of the Indian Penal Code and thus the accused committed an offence punishable under Section 417 of the Indian Penal Code, 1860 ?	.. <u>Negative</u>
3	What order ?	Accused is acquitted.

REASONS

ABOUT EVIDENCE :

“Part C”

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

Prosecution Witnesses		
Rank of the witness	Name	Nature of Evidence
PW1	The victim (Exh.10)	The victim/informant

Defence Witnesses, if any		
Rank of the witness	Name	Nature of Evidence
NIL	NIL	NIL

Court Witnesses, if any		
Rank of the witness	Name	Nature of Evidence
NIL	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

<u>Sr.No.</u>	<u>Exhibit No.</u>	<u>Description</u>
1.	11/PW1	Oral complaint (FIR) dated 24.09.2020
2.	12/PW1	Printed FIR in prescribed format dated 24.09.2020

B. Defence (Admitted) :

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
1.	13	Spot panchanama of the scene of offence dated 25.9.2020
2.	14	Spot map
3.	15	Spot panchanama of the scene of offence dated 26.9.2020

4.	16	Spot map of Hotel Room no.61
5.	17	Medico-legal Examination-in-chief report of Sexual Violence of the victim dated 28.9.2020
6.	18	Discharge card of the victim dated 28.9.2020

C. Court Exhibits :

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
	NIL	NIL

D. Material Objects :

<u>Sr. No.</u>	<u>Material Object Number</u>	<u>Description</u>
	NIL	NIL

AS TO POINT NOS. 1 & 2 :

9] As the evidence is very short, I have not made marshaling of the facts and appreciation of evidence as two different stages. In view of the admission of many documents, the accused has not disputed, that he had sexual intercourse with the victim, that too repeatedly. Hence, now the narrow controversy is whether the sexual intercourse by the accused were against will and without consent of the victim or not. For this, I have appreciated the evidence as below. Both the points are discussed and decided together.

10] The victim (PW1) has deposed about almost all the instances of sexual intercourse. But she has not stated, that those were against her will and without her consent. The victim has stated that she became upset as the accused was

subjecting one excuse that after marriage of his sister, he would marry the victim. Then the victim insisted repeatedly for the marriage. Perhaps, the accused got annoyed and said the victim that he would not marry her.

11] However, as per the evidence of the victim, within one year of the FIR, the accused married the victim and now the couple is the parents of two children. I find that since inception, the case was pregnant for acquittal. Even as per the FIR, the accused himself asked to victim to lodge a police complaint as his mother was against the marriage. Hence, as per the FIR also it was not a case of false promise of marriage, but perhaps it was a case of breach of promise. Even now in view of non-support by the victim to the prosecution, the fate of the case cannot be otherwise than the acquittal. As the accused has not disputed his sexual activities with the victim and in absence of the any evidence about the ingredients mentioned in Section 375 of the IPC, I do not find the admitted documents are any way incriminating against the accused. With this, both the points are answered in the negative.

12] The acquittal of the accused is for the above discussion. Any further comment or remark about investigation or prosecution is not required. Thus, I proceed to pass the following order:

ORDER

1] Accused **Akash Ganesh Mongarkar**, aged about 29 years, resident of Gautam Nagar, Gadchiroli, Tahsil and District : Gadchiroli is hereby acquitted under Section 235 of the Code of Criminal Procedure, 1973

of the offences punishable under Sections 376(2)(n) and 417 of the Indian Penal Code, 1860.

- 2] His bail bonds shall stand cancelled. His surety stands discharged.
- 3] No order as to muddemal property.
- 4] The accused in compliance of Section 437-A of the Code of Criminal Procedure, 1973 shall furnish P.R. Bond of Rs.7,000/- with one surety of like amount, which shall remain in force for the next six months from today.

(Dictated and pronounced in open Court).

Place : Gadchiroli
Date : 06.08.2026

(A. L. Tikle)
Sessions Judge, Gadchiroli