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Form No.XXXII

Part 'A' (Title Page of Judgment)
[Para 44(i) of Chapter VI of Criminal Manual]

IN THE COURT OF ADDL. SESSIONS JUDGE, JALNA. Present : Dr. S.D. Tawshikar, Special Judge (POCSO Act) & Addl. Sessions Judge-3 (Date of Judgment: 13.07.2026) Sessions Case No.03/2026	
<i>Crime No. : 174/2024 (RCC No. 210/2024)</i> Police Station: Ashti, Tq. Partur, Dist; Jalna.	
COMPLAINANT	State of Maharashtra, Through Police Station Ashti, Tq. Partur, Dist; Jalna.
REPRESENTED BY	Addl. P P Dr. Deepak N. Kolhe
ACCUSED	Ashok Sambhaji Raut, Age 44 yrs., R/o. Sawargaon, Tq. Partur, Dist. Jalna.
REPRESENTED BY	Advocate Shri. D. R. Zole for accused

Date of Offence	08.07.2024
Date of F.I.R.	11.07.2024
Date of Charge-sheet	03.09.2024
Date of framing of Charge	23.06.2026

Date of commencement of evidence	08.07.2026
Date of which Judgment is reserved	13.07.2026
Date of the Judgment	13.07.2026
Date of the Sentencing Order, if any	---

Part 'B'**[Para 44 (ii) of Chapter VI of Criminal Manual]*****Accused Details***

Rank of Accused	Name of accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1]	Ashok Sambhaji Raut, Age 44 yrs., R/o. Sawargaon, Tq. Partur, Dist. Jalna.	11.07. 2026	02.08. 2024	69, 351 (3) of the B.N.S.	Acquitted	---	---

Part 'C'**[Para 44 (iii) of Chapter VI of Criminal Manual]****LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	ABC, (Exh. 15)	Victim/informant

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW	-----NIL-----	

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW	-----NIL-----	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1]	Exh. P-1/PW-1	Signature of victim on report
2]	Exh. P-2/ PW-1	Signature of victim on statement u/sec. 183 B.N.S.S.

B. Defence :- Nil

C. Documents admitted by Defence-

Sr. No.	Exhibit Number	Description
1]	Exh. 16	Spot panchanama
2]	Exh. 17	Arrest panchnama
3]	Exh. 18 and 19	F.S.L. examination reports

D. Court Exhibits :

Sr. No.	Exhibit Number	Description
	NIL	

E. Material Objects :

Sr. No.	Material Object Number	Description
	NIL	

JUDGMENT

(Delivered on 13th day of July, 2026)

Accused is facing trial for the offences punishable under section 69, 351(3) of Bharatiya Nyaya Sanhita, 2023 ('BNS' for short).

02. Brief facts of the case of the prosecution are as under :-

Informant, a 25 years old women, alleges that she had married in the year 2013 and is having two children from her husband. However, in the year 2019 owing to the domestic disputes,

she parted from her husband and started residing at her parental house. She came in contact with the accused and they developed love affair. Victim alleges that accused had forceful sexual intercourse with her for 4 to 5 years, on promise of marriage, which he did not abide. Lastly, on 10.07.2024 accused had sexual intercourse with the victim on the pretext of promise to marry. However, thereafter accused declined to marry the victim and therefore she lodged First Information Report (FIR).

03. Investigating Officer recorded the statement of victim, and witnesses, got the informant medical examined, visited the spot and prepared the spot panchnama and arrested the accused. He also got recorded the statement of victim as per under section 183 of BNSS. He further referred muddemal to Forensic Science Laboratory (FSL). After having sufficient material, he chargesheeted the accused for aforesaid offences.

04. My learned predecessor framed charge at Exh.11 to which accused pleaded not guilty and claimed trial.

05. Prosecution has examined the informant/victim and closed evidence. Accused did not choose to lead any evidence in defence.

06. Heard both sides and perused material on record. Following points arise for my consideration; I have recorded my findings thereon for the reasons as detailed herein below-

<i>Sr.No.</i>	<i>POINTS</i>	<i>FINDINGS</i>
1.	Whether the prosecution proves that accused by making a promise to marry informant without any intention of fulfilling the same,	No

	induced her to consent to sexual intercourse, and had repeatedly sexual intercourse with her, such intercourse not amounting to the offence of rape and thereby committed an offence punishable under section 69 of the BNS?	
2.	Whether the prosecution further proves that the accused committed offence of criminal intimidation by threatening to the victim, and thereby committed an offence punishable under section 351(3) of the BNS?	No
3.	What order?	Accused is acquitted.

REASONS

As to point No.1 and 2 :-

07. It is cardinal principle of criminal trials that the prosecution is always burdened to prove guilt of the accused beyond reasonable doubts. So as to discharge the said burden, prosecution could examine only one witness i.e. the Victim herself. The defence admitted rest of the documents/panchanamas and reports, evidence of the prosecution came to be closed.

08. So as to prove the allegations, prosecution has examined informant/victim at Exh.15. Victim did not support the prosecution and has deposed not a single word against the accused with respect to rape or criminal intimidation. Though, learned APP examined this witness by invoking power under section 157 of BNNS, however, nothing material could come on record.

09. Defence has admitted rest of the documents as detailed hereinabove. The documents admitted are not having any incriminating value.

10. As the victim has resiled from her earlier statement and as she did not depose anything against the accused, the offence under sections 69 or 351(3) of BNS does not get attracted.

11. Therefore, I answer point Nos.1 and 2 in negative. I hold that the prosecution failed to prove the charges levelled against the accused. Hence, accused deserves acquittal.

12. In answer to point No.3, I pass following order-

ORDER

1] Accused **Ashok Sambhaji Raut**, is hereby acquitted of the offences punishable under Sections 69 and 351(3) of the Bhartiya Nyaya Sanhita, 2023, vide Section 258(1) of Bhartiya Nagarik Suraksha Sanhita, 2023.

2] Bail bond of the accused stands cancelled. He is set at liberty.

3] The accused is directed to execute P.R. of Rs.10,000/- (Rupees Ten Thousand only) and S.B. in the like amount and shall give undertaking u/Sec. **485(3) of the Bhartiya Nagarik Suraksha Sanhita, 2023** for appearing before Higher Court, in case of any appeal preferred against this judgment and order within six months from today.

(Dictated and pronounced in open court)

Date: 13.07.2026.

(Dr. S. D.Tawshikar)
Addl. Sessions Judge-3,
Jalna.

Dictated on :13.07.2026.
 Transcribed on :13.07.2026.
 Corrected on :13.07.2026.
 Signed on :13.07.2026.

CERTIFICATE

I affirm that the contents of this PDF judgment /order are same word to word as per the original order.	
Name of the Stenographer	: Umesh R. Dasare
Name of the Court	: Special Judge (POCSO Act) & District Judge-3 & Addl. Sessions Judge, Jalna.
Date of the Judgment/Order	: 13.07.2026.
Judgment /Order signed by the P. O. on	: 13.07.2026.
Judgment/Order uploaded on	: 13.07.2026.

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