

MHKO010004962023



Received on :- 16.12.2022.  
Registered on :- 07.02.2023.  
Decided on :- 17.03.2026.  
Duration :- Y. M. Ds.  
**03 – 03 – 01**

**IN THE COURT OF FAST TRACK SPECIAL COURT,**

**KOLHAPUR, AT KOLHAPUR**

**(Present : Shailendra Tambe – Fast Track Special Judge, Kolhapur.)**

**Sessions Case No.44 of 2023.**

**Exh. No. 38/A**

**FIR No.167 of 2022 – Panhala Police Station, Kolhapur.**

<b>Complainant</b>	<b>The State of Maharashtra,</b>
<b>Represented By</b>	Mrs.A.A.Kulkarni, A.P.P. for the State.
<b>Accused</b>	<b>Amol Vinayak Mahapure,</b> Age 36 years, Occu. Labour R/o.Mahapure Galli, Kodoli, Tal. Panhala, District Kolhapur.
<b>Represented By</b>	Mr.J.K.Desai, Learned Adv. for the accused.

**Offences punishable U/Secs.376, 376(2)  
(n), 377, 323 & 506 of The Indian Penal  
Code.**

-----

Date of offence	Since March 2017 up to 14/10/2022.
Date of FIR	20/10/2022.
Date of Charge-sheet	15/12/2022.
Date of Framing of Charges	09/01/2026.
Date of commencement of evidence	25/02/2026.
Date on which judgment is reserved	<b>17/03/2026.</b>
Date of the Judgment	<b>17/03/2026.</b>
Date of the Sentencing Order, if any	--

### Accused Details

Sr. No	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.P. C.
1.	Amol Vinayak Mahapure.	20/10/2022	06/05/2022	U/Ss.376, 376(2) (n), 377 & 506 of I.P.C.	acquitted	--	--

#### A. List of prosecution witnesses :

Rank	Name	Exh. Nos.	Nature of Evidence
PW 1	S**** N***** G*****	18	Victim/Informant
PW 2	Narendra Bajirao Patil	21	Investigating Officer.

#### A. List of Defence witnesses :

Rank	Name	Exh. Nos.	Nature of Evidence
-	--	-	--

**A. Prosecution exhibits :**

<b>Sr.No.</b>	<b>Exh. Nos.</b>	<b>Description.</b>
1.	Exh. 22	Order of PSO, Kodoli Police Station dtd.20/10/2022.
2.	Exh. 23	Portion mark 'A' in the statement of informant/victim.
3.	Exh. 24	Portion mark 'B' in supplementary statement of informant/victim.
4.	Exh. 25	Portion mark 'C' in supplementary statement of informant/victim.
5.	Exh. 26	Spot Panchnama dt.21/10/2022.
6.	Exh. 27	Letter issued to Medical Officer by Kodoli Police Station.
7.	Exh. 28	Medico-legal examination Report.
8.	Exh. 29	Forensic Medical Examination of accused.
9.	Exh. 30	Seizure Panchnama of clothes of victim.
10.	Exh. 31	Seizure Panchnama of clothes of the accused.
11.	Exh. 32	Seizure Panchnama of Mobile.
12.	Exh. 33	Letter issued to Forensic Science Laboratory.
13.	Exh. 34	Seizure Panchnama of Maruti Alto Car.
14.	Exh. 35	Letter issued to Ld.JMFC, Panhala for recording statement of informant U/Sec.164 of Cr.PC.

**B. Defence exhibit :**

<b>Sr.No.</b>	<b>Exh. Nos.</b>	<b>Description.</b>

**C. Court Exhibits :**

--	---	-----
----	-----	-------

**D. Material Objects :**

<b>Sr. No.</b>	<b>MO/ Article Nos.</b>	<b>Description</b>
1.	MO 1 to 3	Clothes of the accused.
3.	MO 4 to 5	Clothes of the victim.
4.	MO 6	One black colour Mobile Handset of Oppo co.
5.	MO 7	One white colour Maruti Alto Car bearing No.MH-09-DM-2647

**J U D G M E N T****( Delivered on 17<sup>th</sup> March, 2026 )**

The accused is tried for the commission of offences punishable U/Secs.376, 376(2)(n), 377, 323 & 506 of The Indian Penal Code.

**2) The facts of the prosecution's case in nutshell is as under :**

**A)** The informant (prosecutrix) is residing at her maternal home at Kodoli, Tal.Panhala with her son and parents due to her husband's liquor addiction. The accused was called to resolve the disputes between the informant (prosecutrix) and her husband, so that informant and the accused became acquainted. In March 2017, under the pretext of marriage, the accused took the informant (prosecutrix) to one Lodge at

Wathar in his Alto car and forcibly committed oral sexual assault on the informant. Subsequently, in 2018, the accused took the informant (prosecutrix) by taking room on rent at Warananagar and forcibly committed physical sexual assault as well as abnormal sexual assault on the informant (prosecutrix). Again in 2022, the accused by taking room on rent at Kodoli, forcibly committed sexual assault on the informant (prosecutrix). Furthermore, while committing the sexual intercourse with the informant (prosecutrix) at a lodge near Tawade Hotel, the accused took nude photographs of her on his mobile phone. The accused frequently harassing the informant by threatening her. So that the informant (prosecutrix) lodged FIR against accused being C.R. No.167/2022, at Kodoli Police Station U/Secs.376, 376(2)(n), 377, 323 & 506 of The Indian Penal Code.

4) The Investigating Officer, during investigation has recorded the statement of material witnesses, visited the spot and prepared the spot panchanama. During investigation, it was transpired that, the accused has committed said offences. Accordingly, Investigating Officer has submitted the charge sheet against the accused.

5) The Charge was framed vide Exh.14 for the offences punishable U/Secs.376, 376(2)(n), 377, 323 & 506 of The Indian Penal Code. The accused denied all allegations and claimed to be tried. The statement of the accused under Section

313 of Cr.P.C. was recorded vide Exh.37. Accused denied all the incriminating evidence against him.

6) Heard, Smt. A.A.Kulkarni, learned A.P.P for the State and Ld.advocate, Mr.J.K.Desai for accused.

7) Following points arise for determination. My finding against each point is as under for the reasons given below:

Sr. No.	Points	Findings
1.	Does prosecution prove that since March 2017 on various occasion, in the house of informant situation at Kodoli, Tal. Panhala, District Kolhapur and at various other places, committed rape on prosecutrix and thereby committed an offence punishable U/Sec. 376 of IPC ?	... No.
2.	Does prosecution prove that, on the aforesaid date, time and at various occasions, in the house of informant situated at Kodoli, at Vathar, Tavade Hotel and Islampur, accused repeatedly committed rape on prosecutrix and thereby committed an offence punishable U/Sec.376(2) (n) of IPC ?	... No.
3.	Does prosecution prove that, on the aforesaid date, time and place, accused committed oral intercourse on prosecutrix which is against the order of nature and thereby committed an offence punishable U/Sec. 377 of IPC ?	... No.
4.	Does prosecution prove that, on the aforesaid date, time and place, accused voluntarily caused hurt to prosecutrix and thereby	

committed an offence punishable U/Sec. 323 .. No. of IPC ?

5. Does prosecution prove that, on the aforesaid date, time and place, accused committed criminal intimidation by threatening the informant on prosecutrix, with injury to her person and life and accordingly, committed rape upon her and threatened her with intention to cause alarm to the informant and thereby committed an offence punishable U/Sec. 506 of IPC ?

6. What Order ?

As per  
final  
order.

**- REASONS -**

**As to Point Nos.1 to 6 :**

8) The case of the prosecution is mainly based on the evidence of the informant (prosecutrix) (PW1). However, she has not supported the prosecution case. The prosecution has closed its evidence by filing pursis at Exh.36

9) The informant/prosecutrix (PW1) deposed vide Exh.8 that, in the year 2022, she was residing at Kodoli along with her parents and son. Due to frequent dispute between the informant and her husband, she was residing at her maternal home. She knew accused as he was trying to resole the dispute between the informant and her husband. PW 1 further deposed that nothing was happened in 2017 with accused. She denied

that the accused used to tell her for taking divorce from her husband and by taking her to a Lodge, he committed physical sexual relations with her. As the PW 1 (Informant), not supported to the case of the prosecution, the Ld. APP cross-examined the informant, however, nothing has come on record which would take further the prosecution case. In cross-examination, the informant (prosecutrix) deposed that the police did not record the Portion Mark 'A' in her statement and Portion Mark 'B' & 'C' in her supplementary statement as per her say. She admitted that only she bears her signature (Exh.19) on complaint. She admitted that the matter is amicably settled with the accused.

10) PW 2, Narendra Patil, API, Investigating Officer deposed vide Exh.21 that as per order of PSO (Exh.22), he investigated CR No.167/2022. WPC, Walke recorded the Portion Mark 'A' (Exh.23) in the statement of the informant, PW 2 recorded Portion Mark 'B' (Exh.24 & Exh.25) in the supplementary statement of the informant (prosecutrix) as per her say. I.O. conducted spot panchnama (Exh.26) and seized extract of Lodge Register (Article 1). On 20/10/2022, PW 2 sent the prosecutrix for medical examination along with letter (Exh.27) and submitted medical certificate (Exh.28 & Exh.29). He prepared seizure panchnama (Exh.30) of the clothes of the victim and seizure panchnama (Exh.31) of the clothes of the accused. PW 2 also seized Mobile and Car of the accused by

preparing seizure panchnama (Exh.32 & Exh. 34). I.O. (PW 2) submitted the medical certificates of the victim and accused along with charge-sheet. The Investigating Officer after completion of investigation, filed charge-sheet against the accused. PW 2 supported the case of the prosecution. The testimony of PW 2, is of formal nature and merely on basis of his testimony, the accused cannot be held guilty. The charges levelled against accused are serious in nature. Hence, it requires stringent proof. In the present case, the informant (prosecutrix) has not alleged any overact on the part of accused. Thus, no offence of rape and threatening to the informant has been proved against accused.

**11)** The prosecution has failed to prove that the accused forcefully committed oral intercourse on prosecutrix which is against the order of nature and voluntarily caused hurt to the informant (prosecutrix). So also the prosecution failed to prove that the accused committed criminal intimidation by threatening the informant. The prosecution has failed to prove the charges leveled against the accused.

**12)** Thus, the prosecution has miserably failed to prove the charges levelled against accused U/Secs.376, 376(2)(n), 377, 323 & 506 of The Indian Penal Code. Hence, I answer the point Nos.1 and 6 in the negative.

**As to Point No.7 :-**

13) The prosecution has failed to establish the charges framed against the accused. In the result, accused is entitled for acquittal. Hence, following order.

**- O R D E R -**

(1) Accused – **Amol Vinayak Mahapure**, is hereby acquitted U/Sec.235 (1) of the Cr.P.C. for the offences punishable U/Secs.376, 376(2)(n), 377, 323 & 506 of The Indian Penal Code

(2) Bail bonds of accused stands cancelled.

(3) The Muddemal Article i.e.

(I) MO No. 1 to 3 – clothes of the accused and MO No. 4 & 5 – clothes of the prosecutrix be destroyed after expiry of appeal period.

(II) MO No.6 – Black colour mobile of Oppo Co. and MO No.7 - One white colour Maruti Alto Car bearing No.MH-09-DM-2647 be returned to its original owner (if not returned) after expiry of appeal period. It is made clear that before handing over mobile to the owner, the SIM card or memory card, if any, in the said mobile be removed and those being worthless be destroyed after the period of appeal is over.

(4) The accused shall execute bail bond U/Sec. 437-A of the Code of Criminal Procedure, in the sum of Rs.10,000/- with one solvent surety in the like amount, which shall be in force for six months.

(5) Copy of this judgment be sent to the District Magistrate, Kolhapur vide Section 365 of Cr.P.C. The District Magistrate, Kolhapur shall submit compliance report to this Court.

(6) Sessions Case No.44/2023 stands disposed of.

(Pronounced in open Court).

Date :- 17/03/2026

( Shailendra Tambe )  
Fast Track Special Judge (FTSJ),  
**KOLHAPUR.**