

**IN THE COURT OF SESSIONS COURT AT KOLHAPUR  
FILING FORM**

|           |             |
|-----------|-------------|
| Case Type | Crim Appeal |
|           |             |

**PLAINTIFF/APPELLENT/APPLICANT/COMPLAINANT DETAILS**

|                       |                                                                   |  |                                                                          |  |                       |    |         |                       |
|-----------------------|-------------------------------------------------------------------|--|--------------------------------------------------------------------------|--|-----------------------|----|---------|-----------------------|
| Name                  | SHEPHALI KARTIK MEHATA                                            |  |                                                                          |  |                       |    |         |                       |
| Fathers/HUSBANDS name | KARTIK MEHATA                                                     |  |                                                                          |  |                       |    |         |                       |
| Address               | 505,506 MORYA RESIDENSY RAJARAMPURI 2 <sup>ND</sup> LANE Kolhapur |  |                                                                          |  |                       |    |         |                       |
| Sex                   | Male                                                              |  | Female                                                                   |  | Age                   | 55 | Caste - | Hindu-                |
| Nationality           | Indian :                                                          |  | Occupation :                                                             |  | SERVICE               |    |         |                       |
|                       | if other mentioned :                                              |  |                                                                          |  |                       |    |         |                       |
| E-mail Address        | E mail:                                                           |  |                                                                          |  |                       |    |         |                       |
|                       | Mobile No:                                                        |  |                                                                          |  |                       |    |         |                       |
| Subject               | Criminal Appeal U/s 413 of BNSS                                   |  |                                                                          |  |                       |    |         |                       |
| Advocate Code         | Code- 446                                                         |  | Advocate Name : Rajesh V Shaha                                           |  | En.No. MAH- 1495/1995 |    |         | Phone No : 9822782249 |
|                       |                                                                   |  | Email : <a href="mailto:rajeshchinu@gmail.com">rajeshchinu@gmail.com</a> |  |                       |    |         |                       |

**DEFENDANT/RESPONDENT/NON APPLICANT/ACCUSED DETAILS**

|                        |                                 |  |              |  |       |  |         |         |
|------------------------|---------------------------------|--|--------------|--|-------|--|---------|---------|
| Name                   | State Of Maharashtra and others |  |              |  |       |  |         |         |
| Fathers. Husbands name | -                               |  |              |  |       |  |         |         |
| Address                |                                 |  |              |  |       |  |         |         |
| Sex                    | Male                            |  | Female       |  | Age - |  | Caste - | Hindu - |
| Nationality            | Indian :                        |  | Occupation : |  |       |  |         |         |
|                        | if other mentioned :            |  | Service      |  |       |  |         |         |
| E-mail Address         | Email:                          |  |              |  |       |  |         |         |
|                        | Mobile No:                      |  |              |  |       |  |         |         |
| Subject                |                                 |  |              |  |       |  |         |         |
| Advocate Code          | Advocate Name:                  |  |              |  |       |  |         |         |

**LOWER COURT DETAILS**

|            |  |                |  |
|------------|--|----------------|--|
| Court Name |  |                |  |
| Case No.   |  | Decision Date: |  |

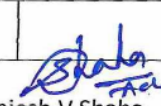
**MAIN MATTER DETAILS**

|           |          |  |      |  |
|-----------|----------|--|------|--|
| Case Type | Case No. |  | Year |  |
|-----------|----------|--|------|--|

**FOR OFFICE USE ONLY**

|                          |                                |              |  |  |
|--------------------------|--------------------------------|--------------|--|--|
| Case Type                | Filling No.                    | Filling Date |  |  |
| Objection Redressal Date | Objection Compliance Date      |              |  |  |
| Registration No.         | Registration Date Listing Date |              |  |  |
| Court Allottes           | Allocation Date                |              |  |  |

KOLHAPUR  
Date: 22/06/2026

  
Rajesh V Shaha



D.R.No.

Date : 22/06/2026

Cri. Appeal No. /2026

**IN THE COURT OF HON'BLE SESSIONS JUDGE, KOLHAPUR.**

**AT KOLHAPUR.**

IN THE MATTER OF JUDGMENT AND ACQUITTAL

ORDER DETED 19/05/2026 PASSED BY 13<sup>TH</sup> J.M.F.C.

KOLHAPUR IN R.C.C. NO. 663/2023

**Sou. Shefali Kartik Mehata.**

Age : 55 yrs., Occ. – Anchor & Fitness Trainer

R/o. 505, 506, Moraya Residency,

Rajarampuri, 2<sup>nd</sup> Lane, Kolhapur.

**Appellant**

(Original

Complainant)

V/s.

**1) State of Maharashtra.**

**2) Prakash Dattatraya Shinde (Died)**

**3) Sanjay Shivajirao Powar**

Age : 54 yrs., Occ – Agriculturist

**Respondent**

**Respondent**

(Original Accused)

Order

Issue notice to respondents and  
call record and proceeding.

Dtd. 02/07/2026 Sessions Judge, Kolhapur

**4) Shailesh Subhash More**

Age : 44 yrs., Occ – Medical Distributor

**5) Kiran Vasantrao Patil**

Age : 44 yrs., Occ – C.A.

Above three R/o. Moraya Residency

2<sup>nd</sup> Lane, RAjarampuri, Kolhapur.

**6) Tushar Suhas Berde**

Age : 40 yrs., Occ – Builder

R/o. 968, 'A' Ward, Plot No. SF,

Laxmi Sakha Apartment Shivaji Peth,

Kolhapur.

**Respondent**  
(Original Accused)

**Criminal Appeal u/s 413 of The**  
**BNSS (Sec. 372 of the old CRPC)**

**The Appellants most respectfully submits that :-**

This is an appeal preferred against judgment and order of Acquittal of Respondents No. 3 to 6 for the offences punishable u/s. 354, 504, 506, 509 r/w 34 of I.P.C. by the Hon'ble 13<sup>th</sup> JMFC, Kolhapur by his order dated 19/05/2026 in R.C.C. No. 663/2023.

**The objection to the said judgment and order are as follows :-**

1. The impugned judgment and order is totally wrong, illegal and bad in law. Hence, the same deserved to be quashed and set aside.
2. That the judgment and order passed by the learned trial court is contrary to the provisions of law and is against the weight of evidence.

3. That the order passed is perverse in nature.
  4. That the order passed is squarely illegal.
  5. The Ld. Lower Court has failed to observe that which charges are leveled against the respondent No. 3 to 6 (Original accused) which resulted into wrong Judgment & Order.
  6. The Ld. Lower Court has failed to observe that at Ex. 16 charges are framed against Respondent No. 3 to 6 u/s 354, 504, 506 r/w 34 of I.P.C. After that as per order passed below Ex. 27 Additional Charges are framed against Resp. No. 3 to 6 (Original accused) u/s 341, 509 r/w 34 of I.P.C.
  7. The Ld. Lower Court has Failed to observe that Even though the charges are framed against the Respondent No. 3 to 6 (Original accused) u/s 354, 504, 506, 341, 509 r/w 34 of I.P.C. The trial court's Judgment & order contains no comments or reasoning's regarding the charge u/s 341 of I.P.C. which resulted into wrong Judgment & Order.
  8. The Ld. Lower Court while passing the Judgment has completely omitted consideration of the charge u/s 341 of I.P.C.
  9. The Ld. Lower Court has failed to observe that the trial court framed a charge u/s 341 of I.P.C. but failed to record any finding whether the accused was guilty or not guilty of that offence. Hence failure to decide a charge amounts to non application of mind and renders the Judgment incomplete.
  10. The Ld. Lower Court has failed to observe that Even though evidence relating to wrongful restraint has been led during trial, but the trial court failed to appreciate it.
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11. The Ld. Lower Court, has failed to observe that the evidence u/s 354, 504, 506, 509, 341 R/W 34 of I.P.C. led by prosecution. Failure to consider material evidence amounts to a serious error.
12. The Ld. Lower Court has totally failed to appreciate the evidence on record, which resulted into wrong judgment and order.
13. The Ld. Lower Court has failed to consider Written Arguments filed by Appellant and the order of Hon'ble Consumer Court dt. 24/05/2022. The trial Court Judgment and order contains no comments or reasoning's regarding the Written Arguments or Order against the Respondent No. 2 to 6 that not to restraint to appellants from using lift which resulted into wrong Judgment & Order.
14. The Ld. Lower Court has totally misinterpreted the provisions of the Sec. 354, 504, 506, 341, 509 r/w 34 of I.P.C., further came to wrong conclusions and acquitted the respondents 3 to 6 on wrong assumptions.
15. The Ld. Lower Court has failed to consider the evidence of complainant and witnesses as proper evidence and wrongly came to conclusion.
16. The present appeal is well within limitation.
17. The present appellant has not preferred any appeal, revision in any other court including Hon'ble High Court.

**Therefore it is prayed that the appeal may kindly be allowed by setting aside the judgment and order passed by 13<sup>th</sup> J.M.F.C. Kolhapur in R.C.C. No. 663/2023 dt. 19/05/2026 and further it is prayed that the respondents 3 to 6 may kindly be convicted of all the**

charges against them. Alternatively it is further prayed that the present matter may kindly be remanded back for fresh consideration.

Kolhapur.

Date : 22/06/2026



**Adv. Rajesh V. Shaha**

(Advocate for the Appellant)

