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|-------------------------------------------------------------------------------------------------------|---------------|---|------------------|
| MHKO010025632023<br> | Received on   | : | 15-07-2023       |
|                                                                                                       | Registered on | : | 17-07-2023       |
|                                                                                                       | Decided on    | : | 22-07-2026       |
|                                                                                                       | Duration      | : | 03-Yrs. - 07-Ds. |

|                                                                                                                                                                                                                                                                                                |                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <p align="center"><b><u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, KOLHAPUR ,</u></b><br/> <b><u>DIST. KOLHAPUR.</u></b><br/> (Presided over by D.V.Kashyap )<br/> (Date of Judgment - 22<sup>nd</sup> July, 2026 )<br/> <b><u>Sessions Case No.164/2023</u></b><br/> <b>Exh.No. 34 /A</b></p> |                                                                                                                      |
| (FIR/Crime No.71/2023, Gokul-Shirgaon Police Station, Dist. Kolhapur under Sections 376(2)(n), 323, 452, 504 & 504 of the Indian Penal Code and Section 66(e) of the Information & Technology Act)                                                                                             |                                                                                                                      |
| Prosecution                                                                                                                                                                                                                                                                                    | The State of Maharashtra,<br>Gokulshirgaon Police Station, Kolhapur.                                                 |
| APP for Prosecution                                                                                                                                                                                                                                                                            | Smt.V.S. Bharate                                                                                                     |
| Accused                                                                                                                                                                                                                                                                                        | Prashant Laxman Kanunje<br>Age: 47 yrs. Occu. - Doctor<br>R/o. Est-Manchestor, Yadrav, Tal.Shirol,<br>Dist.Kolhapur. |
| Advocate for Accused                                                                                                                                                                                                                                                                           | Shri.Pravin G.Patil                                                                                                  |

|                                    |                            |
|------------------------------------|----------------------------|
| Date of Offence                    | Before 2019 and 07-04-2023 |
| Date of FIR                        | 07-04-2023                 |
| Date of Charge-sheet               | 06-06-2023                 |
| Date of Framing of Charge          | 28-07-2025                 |
| Date of commencement of evidence   | 21-07-2026                 |
| Date on which judgment is reserved | -                          |
| Date of the Judgment               | 22-07-2026                 |

|                                       |    |
|---------------------------------------|----|
| Date of the Sentencing order, if any, | -- |
|---------------------------------------|----|

**Accused Details**

| Rank | Name                    | 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.PC. |
|------|-------------------------|----------------|-------------------------|--------------------------------------------------------------------------|--------------------------------|------------------|------------------------------------------------------------------------------|
|      | Prashant Laxman Kanunje | 08-04-2023     | 20-06-2023              | U/s. 376(2) (n), 323, 452, 504 & 506 of I.P.C. and Sec.66(e) of I.T. Act | Acquitted                      | --               | --                                                                           |

**LIST OF WITNESSES**

A) Prosecution -

| Rank  | Name of the witness | Nature of Evidence | Exh. No |
|-------|---------------------|--------------------|---------|
| P.W.1 | Informant/Victim    | Informant          | 30      |

B) LIST OF DEFENCE WITNESSES - NIL

C) COURT WITNESS IF ANY – NIL

**LIST OF EXHIBITS**

A) Prosecution - Nil

B) Defence Exhibits –

| Sr.Nos. | Exh. No. | Description                              |
|---------|----------|------------------------------------------|
| 1       | 23       | Spot panchanama                          |
| 2       | 24       | Seizure panchanama of clothes of accused |
| 3       | 25       | Seizure panchanama of clothes of victim  |
| 4       | 26       | Seizure panchanama of Honda City Car     |
| 5       | 27       | Medical examination report               |
| 6       | 28       | MLC proforma for examination             |

C) **Court Exhibits** – Nil

D) **Material Objects** - Yellow T-shirt, Blue Jeans pant, One-Plus Mobile Handset, Saree, Maroon Knicker, Honda City Car no.MH09-BM 5012

**JUDGMENT**

(Delivered on 22<sup>nd</sup> July, 2026 )

Accused Prashant Laxman Kanunje is charged for the offences punishable under Sections 376(2)(n), 323, 452, 504 and 506 of the Indian Penal Code and Section 66(e) of the Information & Technology Act.

02. Name of the informant is not disclosed in the judgment to maintain the secrecy of her identity.

03. Brief facts of the prosecution case are that on 7-4-2023 the informant (victim) approached Shirol Police station and narrated that on 7-4-2023 at 8-30 a.m. the accused called her and insisted her to meet him. She refused for the same due to illness. The accused abused her and came to her house and beat her with fists and kicks. She further narrated that in 2019, when she had been to the dispensary of the accused, he proposed her for friendship. He used to send her mobile messages. In June 2019, he took her at Viraj Hotel and Lodge and did sexual intercourse with her against her wish. He clicked her disrobed photographs and on the pretext of making them viral, repeatedly did sexual intercourse with her under threat at various places. This information of the victim resulted in registration of crime

no.71/2023 against the accused at police Station Gokul-shirgaon, Kolhapur.

04. The Investigation Officer referred the victim for medical examination, drew spot panchanama of various places in presence of the victim, the panch witnesses and seized clothes on the person of the accused and the victim. He also seized mobile and car of the accused. He also recorded statements of the witnesses and submitted chargesheet against the accused before the Judicial Magistrate First Class (Court No.12), Kolhapur.

05. As the offence punishable under Section 376(2)(n) of the Indian Penal Code is triable exclusively by the Court of Sessions, the learned Judicial Magistrate First Class, Kolhapur committed the case.

06. Charge came to be framed against the accused at Exh.20 under under Section 376(2)(n), 452, 504 and 506 of the Indian Penal Code (hereinafter referred to as "IPC") and Section 66(e) of the Information and Technology Act. He pleaded not guilty and claimed trial.

07. The prosecution has examined the victim to establish its case. The accused has not challenged any document produced on behalf of the prosecution. In his statement under section 313 of the Code of Criminal Procedure, he denied the prosecution case and termed it as false.

08. Heard Learned A.P.P. Smt.V.S. Bharate and learned advocate Shri.P. G. Patil for the accused.

09. Following points arise for my determination and I have recorded my findings as under.

| <u>POINTS</u>                                                                                                                                                                                                                                                                                 | <u>FINDINGS</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1) Does the prosecution prove that between 2019 and 07-04-2023, in Viraj Hotel & Lodging, Kaneriwadi, Tal. Karvir, Dist.Kolhapur and thereafter at various places the accused repeatedly did forcibly sexual intercourse with the victim ?                                                    | No              |
| 2 Whether prosecution further proves that on the aforesaid date, time and place the accused intentionally captured and published private photos of informant, without her consent, under circumstances violating the privacy of complainant ?                                                 | No              |
| 3 Whether prosecution proves that on 07-04-2023 the accused committed house trespass by entering into house of the victim and put her under fear of causing hurt and voluntarily caused hurt to her ?                                                                                         | No              |
| 4 Whether the prosecution proves that on 7-4-2023 the accused intentionally insulted the victim and thereby gave provocation intending or knowing it to be likely that such provocation would cause her to break the public peace and also criminally intimidated her by giving life threat ? | No              |

5 What order ?

**As per final  
order.**

**- REASONS-**

**Points 1 to 5 :-**

10. The informant/victim (P.W.1) has deposed in examination-in-chief that nothing was happened between her and the accused.

11. Due to above kind of testimony of the victim, the learned A.P.P. realized that the victim was not walking with the prosecution case, she put leading questions to the victim with the permission of the Court. In her cross-examination by A.P.P, the victim deposed in the following manner -

" हे म्हणणे खरे नाही की दिनांक ७.४.२०२३ रोजी मी शिरोळ पोलीस ठाणे येथे जावून फिर्याद दिली होती. आता मला फिर्यादीवरील सही दाखवणेत आली. ती माझी सही आहे. फिर्यादीवर मी सही का केली ते मला सांगता येणार नाही. आता फिर्यादीमधील अधोरेखीत भाग अ, ब व क मला मोठ्याने वाचून दाखवणेत आले. सदरचा मजकुर मी पोलिसांसमोरील फिर्यादीत सांगितला नव्हता. तसा मजकुर पोलिसांनी का लिहून घेतला याचे कारण मी सांगू शकत नाही. हे म्हणणे खरे नाही की फिर्यादीतील मजकुर माझ्या सांगणेप्रमाणे लिहलेनंतर मला पोलिसांनी तो वाचून दाखवला व मला खात्री पटलेनंतर मी त्यावर सही केली.

हे म्हणणे खरे आहे की दिनांक ७.४.२०२३ रोजी माझे लग्न झालेले होते व मला दोन मुले होती. हे म्हणणे खरे नाही की मी न्यायालय क्र.६, कोल्हापूर येथे दिनांक २५.४.२०२३ रोजी माझा

शपथेवर जबाब नोंदवणेत आला होता व तो मी वाचून त्यावर सही केली होती. आता मला जबाबावरील सही दाखवणेत आली. हे म्हणणे खरे आहे की ती सही माझी आहे. हे म्हणणे खरे नाही की माझ्या जबाबातील मजकूर बरोबर आहे. हे म्हणणे खरे आहे की मला फिर्याद देणेकरिता अथवा जबाब देणेकरिता कोणीही दबाव टाकला नव्हता. मला मराठी लिहता-वाचता येते. हे म्हणणे खरे नाही की मला दोन्ही जबाब वाचून दाखवले नव्हते हे मी खोटे सांगत आहे.

हे म्हणणे खरे नाही की माझी व आरोपीची न्यायालयासमोर तडजोड झाली आहे. हे म्हणणे खरे आहे की आरोपीची जामीन होत असताना मी न्यायालयात हजर राहून त्याला जामीन देणेस हरकत नाही असे तोंडी सांगितले होते. हे म्हणणे खरे नाही की आरोपीस मदत करणेसाठी खोटी साक्ष देत आहे. प्रशांत आज न्यायालयात हजर आहे.

हे म्हणणे खरे आहे की दिनांक ८.४.२०२३ रोजी मला पोलिसांनी वैद्यकीय तपासणीसाठी पाठवले होते. हे म्हणणे खरे नाही की त्याठिकाणी डॉक्टरांना मी प्रशांत याने माझेशी माझे इच्छेविरुद्ध शरीरसंबंध ठेवले व मला मारहाण केलेचे सांगितले होते “.

12. The victim, in her further evidence, only admitted her signature below her complaint & statement under section 164 of Cr.P.C. Except this, she denied all other suggestions put to her regarding forcible repeated intercourse incidents between her and the accused at different places. Portion marks A, B and C in her statement before the police were referred to her and it was specifically put to her that they were written as per her say and therefore she put her signature on it. She denied this suggestion also.

13. When she was cross-examined by the accused, she admitted that the accused did not keep physical relationship with her against her wish and promise. She also admitted that she did not tell anything to the doctor.

14. Though the victim has denied that the suggestion that there is compromise between her and the accused but from the demeanor of the witness there is every reason to believe that the victim and the accused have settled their dispute outside the Court and this may be a reason for her to take U turn from her previous statements before the police and the learned Magistrate. Thus, no ingredients of the offences charged against the accused are established in the evidence of the victim. This leads to answer points 1 to 4 in the negative. In answer to point no.5, following order is passed-

### **Order**

1. Accused Prashant Laxman Kanunje is acquitted of the offences punishable under section under Section 376(2)(n), 452, 504 and 506 of the Indian Penal Code and Section 66(e) of the Information & Technology Act vide Sec. 235 (1) of the Code of Criminal Procedure.
2. His personal bonds stands cancelled and surety is discharged.
3. The accused to furnish personal bond of Rs.10,000/- and surety in like amount in compliance to Section 437-A of the Code of Criminal Procedure (corresponding to Section 481 of the Bharatiya Nagarik Suraksha Sanhita).

4. Muddemal property i.e.-
  - i) yellow T-shirt, Blue Jeans pant, Saree, Maroon Knicker,  
-- being worthless be destroyed.
  - ii) One-Plus Mobile Handset be returned to the accused, if not returned earlier.
  - iii) Honda City Car no.MH09-BM 5012 returned to the accused vide order below Exh.4, it be retained with him.
5. Above mentioned muddemal property in sr.no.4 (i) & (ii) came to effect as directed above after a period of one year from the date of decision of the case, if no notice of appeal is received from the Hon'ble Appellate Court as per Chapter VI, paragraph 73(1)(d) of Criminal Manual.

(Dictated and pronounced in open court).

Kolhapur

( D.V. Kashyap )

Date: 22/07/2026

Additional Sessions Judge, Kolhapur