

MHPU330004502025



Presented on : 22/06/2021
 Registered on : 24/06/2021
 Decided on : 15/07/2026
 Duration : Y. M. D.
 05 00 21

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
AT JUNNAR, PUNE
(Presided Over by S.B. Shelar)

SESSION CASE NO.167/2025

Exh. No.

Part 'A'

	Junnar Police Station, Pune FIR No. 124/2017 Under Sections 376, 504, 506 of Indian Penal Code.
Prosecution	THE STATE OF MAHARASHTRA (Through Junnar Police Station)
Represented by	Learned APP Shri. G.K.Khode
Accused	Santosh Laxman Gaikwad Age: 39 years Occ : Service R/at- Shirur, Kamathipura, Tal. Shirur, Dist. Pune
Represented by	Adv. Shri. U. J. Sarode a/w Adv. Smt. G. S. Chaure for the accused.

Part 'B'

Date of Offence	2017
Date of FIR	24.06.2017
Date of Charge sheet	24.06.2021
Date of Framing of Charges	10.07.2025

Date of commencement of evidence	04.03.2026
Date on which judgment is reserved	13.07.2026
Date of the Judgment	15.07.2026
Date of the Sentencing Order, if any	---

Accused Details

Rank of the Accused	Name of accused	Date of Arrest	Date of Release on Bail	Offences charged with under section	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr. P. C.
1	Santosh Laxman Gaikwad	26.03.2021	28.06.2021	376, 504 and 506 of Indian Penal Code	Acquitted	--	--

B. Defence witnesses, if any:

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

C. Court witnesses, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution :**

Sr.No.	Exhibit Number	Description
1	P-15/PW-1	Report
2	P-16/PW-1	Printed FIR

B. Defence :

Sr.No.	Exhibit Number	Description
1	D-17/PW-1	Forensic Medical Examination report of the victim
2	18	Notarized document(Admitted by defence)
3	20	Spot panchnama(Admitted by defence)

C. Court Exhibits :

Sr.No.	Exhibit Number	Description
1	29	Statement of Accused u/sec. 313 of Criminal Procedure Code.

C. Material objects :

Sr.No.	Exhibit Number	Description
--	--	---

J U D G M E N T**(Delivered on 15th day of July, 2026)**

The accused stands charged with offences punishable under sections 376, 504 and 506 of Indian Penal Code.

2] The prosecution case, in brief, is that the informant is the sister-in-law of the accused. It is alleged that she had been residing separately from her husband. During this period, the accused frequently visited her residence and allegedly demanded sexual favours from her. According to the prosecution, whenever the informant refused his advances, the accused would harass her sister and threaten that, unless the informant acceded to his demands, he would divorce her sister. It is further alleged

that, in the year 2015, the accused forcibly committed rape upon the informant against her will and without her consent. The accused is alleged to have recorded a video clip of the said sexual act. The prosecution further contends that, by threatening to disclose or misuse the said video clip, the accused repeatedly subjected the informant to sexual intercourse on several occasions against her wishes.

3] According to the prosecution, when the informant expressed her desire to resume cohabitation with her husband, the accused objected to the same. It is further alleged that, in March 2017, the informant discontinued all physical and personal relations with the accused. Thereafter, in April 2017, the accused called the informant to his residence and instructed her to return to her matrimonial home. Subsequently, the accused allegedly lodged a false complaint accusing the informant of committing theft of gold ornaments. It is the further case of the prosecution that the accused thereafter threatened the informant that, unless she resumed physical relations with him, he would pursue the said criminal case against her. Left with no alternative, the informant lodged the present First Information Report, on the basis of which the present crime came to be registered against the accused.

4] After registration of crime the same was investigated by P. D. Gaikwad(PW-3) and Shri. Vikas Jadhav. He recorded statements of the witnesses, drew spot panchnama. Shri. P. D. Gaikwad(PW-3) referred the victim for medical examination. After collecting sufficient material, he filed charge-sheet. The case being exclusively triable by this Court, the Ld. Magistrate committed it to this Court vide order dated 15/06/2021.

5] My Ld. Predecessor framed charges against the accused vide Exh. 10 on 10/07/2025. The accused pleaded not guilty and claimed to be tired. From the tenor of the cross examination and the answers given by the accused in his statement recorded u/s 313 of the Cr.P.C. the defence of the accused appears to be that of total denial.

6] Heard the learned A.P.P. for the State and learned Advocate Shri. U. J. Sarode and Smt. G. S. Chaure for the accused. Perused the entire record. The oral as well as documentary evidence produced by the prosecution is shown in Part 'C' appended to the judgment, as directed in para 44(iii) Chapter VI of the Criminal Manual.

7] The learned APP has filed written arguments below Exh.35. As per the prosecution, the victim has provided a detailed account of the sexual offences committed against her by the accused. He submitted that

PW-1 informant has categorically deposed about the sexual advances by the accused. She has also deposed how the accused took undue advantage of her being alone at home. He further submitted that under the threat of video clip, the accused has repeatedly violated the informant. He further submitted that the informant has given specific instances and positively deposed about the threats given by the accused. The informant has also deposed about the theft case registered against her by the wife of the accused. The Ld. A.P.P. further submitted that victim's father (PW-2) has corroborated the evidence of informant (PW-1) on material particulars. He has deposed about how the victim narrated all the incidents to him. He has further deposed about the theft case filed against the informant at Shirur police station. The investigating officer also has given a positive account about his entire investigation. Hence, all the charges against the accused are duly proved and he is liable to be convicted.

8] Per contra, Ld. Advocate for the accused submitted that the story of the prosecution is weak from the inception. She submitted that it is impossible that the accused could have committed sexual offences against the victim at her house where around 10 to 12 people are residing. There is no grievance raised by the informant for 2 years. The delay of 2 years in lodging the FIR is also not

explained by the prosecution. Further, the theft case registered at Shirur by the wife of the accused gives a motive to the informant to falsely implicate the accused. Further, she has relied upon Exh.D-18 and submitted that under the said agreement, the victim (PW-1) and her father (PW-2) have admitted the liability of gold theft. She further submitted that after failure to adhere by the terms and conditions of the said agreement, the instant false FIR came to be filed against the accused.

9] She further submitted that the entire evidence on record is riddled with contradictions and omissions which go to the root of the matter. She submitted that evidence of the victim is unbelievable and lacks corroboration. She further submitted that the present case is nothing but a counterblast to the theft case filed by the wife of the accused. She further submitted that the evidence is not sufficient to prove any charges against the accused and he is liable to be acquitted.

10] On considering the rival submissions, the following points arise for my consideration.

Sr.	Points	Findings
No		
1.	Does the prosecution prove that the accused committed rape on the informant/victim?	No.

2. Does the prosecution prove that the accused intentionally insulted the informant/victim? No.
3. Does the prosecution prove that the accused committed criminal intimidation against the informant? No.
4. What order? Accused is acquitted .

REASONS

AS TO POINT NOS. 1 TO 3:

11] All points for consideration are interrelated with each other, hence, they are taken together for discussion. It is an admitted position that the informant is the sister of the wife of the accused. It is also undisputed that, during the relevant period, the informant was residing with her parents at Junnar along with her three children, having separated from her husband. It is further an admitted fact that the accused was residing at Shirur, which is situated at a distance of approximately 60 to 65 kilometers from Junnar. It is also not in dispute that, despite the prosecution allegation that the accused used to threaten the informant by stating that he would divorce her sister if she did not submit to his sexual demands, the wife of the accused, who is also the sister of the informant, has admittedly not initiated any criminal or civil proceedings against the accused alleging cruelty, harassment, or any other form of ill-treatment.

12] It is also an admitted position on record that, prior to the registration of the present crime, the wife of the accused had lodged FIR bearing C.R. No. 425/2017 for gold theft against the informant, which came to be registered at Shirur Police Station. The informant has further admitted that an agreement was executed between herself and the accused in respect of the dispute concerning the gold ornaments. Under the said agreement, the father of the informant had undertaken to compensate the accused by making payment towards the value of the gold ornaments. The said agreement has been proved and is marked at Exhibit D-18.

13] The evidence of the informant reveals that, since the year 2013, she had been residing with her parents at Junnar along with her three children. According to her testimony, whenever the accused visited their house, he would demand sexual favours from her. She has deposed that the accused used to threaten her that, in the event she refused to accede to his demands, he would continue to harass her sister and would ultimately divorce her. The informant has further deposed that the first incident of rape occurred in the year 2015. According to her, the accused forcibly established sexual relations with her and videographed the said act on his mobile phone. She has further stated that, thereafter, on several occasions, the accused committed forcible sexual intercourse with her by

threatening to make the said video clip viral. According to the informant, such incidents occurred at different places from time to time.

14] The informant has also deposed that, when she intended to resume cohabitation with her husband, the accused objected to the same. According to her, in April 2017, the accused called her to his house on the pretext of marrying her. However, after making her wait for some time, he asked her to leave and return home. Thereafter, she came to know that the wife of accused had lodged FIR against her alleging theft of gold ornaments from their home. It is her further case that the accused thereafter again demanded sexual favours from her and threatened that, unless she resumed physical relations with him, he would continue to pursue the said theft case. As she refused to submit to his demands, the accused allegedly continued with the prosecution of the theft case.

15] The informant has further deposed that she attended Shirur Police Station in connection with the said theft case and was subjected to police inquiry. According to her, after a period of about two to three months from the said inquiry, she lodged the present FIR against the accused. She has identified her FIR, which is exhibited at Exhibit P-16.

16] In her cross-examination, the informant has admitted that the accused resides at Shirur, which is

situated at a distance of about 60 to 65 kilometers from her residence at Junnar. She has further admitted that the accused used to visit her parental house only on festivals and other holidays. Her cross-examination further reveals that the house at Junnar, where she was residing with her parents, consists of two rooms with two verandas. She has also admitted that there are neighboring houses situated adjacent to their residence. The informant has stated that she had screamed for help when the accused allegedly forced himself upon her. She has further admitted that whenever the accused visited their house, he was generally accompanied by his wife. The informant has also admitted that, when the accused called her to Shirur, she had no intention of marrying him. According to her, she went to meet the accused only because he was in possession of the video recording and she was under the apprehension that he might misuse the same.

17] It has further come on record in her cross-examination that, in the year 2018, she had lodged a case alleging rape against one Dr. Ganesh Sonawane at Alephata Police Station. She has also admitted that she had not obtained a decree of divorce from her husband. However, she expressed her inability to explain why the medical certificate at Exhibit D-17/PW-1 records her marital status as "divorced." The informant has further admitted that the present crime was lodged after the accused had registered a criminal case against her. She has also admitted that, under

the agreement executed between her father, herself, her sister, and the accused, her father had assured the wife of the accused that he would pay the value of the gold ornaments allegedly stolen within a period of thirty days. She has admitted that the said assurance was given by her father in her presence and with her consent. She has further admitted that the agreed amount was not paid to the wife of the accused.

18] For a proper appreciation of the testimony of informant (PW-1), it is necessary to examine the evidence of informant's father (PW-2). Informant's father (PW-2) has deposed that, for the last ten to twelve years, the informant had not been residing with her husband on account of matrimonial discord. According to him, on 21st June 2017, the informant disclosed to him for the first time that the accused had been sexually exploiting her by extending threats. He has further deposed that the police thereafter made inquiries with him and recorded his statement during the course of investigation. In his cross-examination, PW-2 has admitted that, during the period from 2013 to 2017, he was residing in the same house at Junnar along with his mother, wife, the informant, her three children, his two sons, and their respective families. He has further admitted that the said house consisted of two rooms and one veranda, and that there were neighboring houses adjoining their residence.

19] Informant's father (PW-2) has further admitted that, in April 2017, a criminal case regarding theft of gold ornaments from the house of the accused came to be registered against the informant. He has deposed that, in connection with the said dispute, a meeting was held at his residence, which was attended by him, the informant, the accused and the wife of the accused. During the said meeting, it was agreed that informant's father (PW-2) would compensate the wife of the accused by paying the value of the gold ornaments allegedly stolen by the informant. A written assurance to that effect was executed on a stamp paper, which has been produced on record and marked as Exhibit D-18. Informant's father (PW-2) has identified and confirmed the contents of the said document. Informant's father (PW-2) has also admitted that, till the date of his deposition, his elder daughter, who is the wife of the accused, continued to reside with the accused and had not lodged any complaint against him alleging ill-treatment or harassment. He has further admitted that, contrary to his examination-in-chief, the police had not made any inquiry with him regarding the allegations of rape made by the informant.

Spot of the Incident

20] According to the prosecution, the first incident of rape occurred in the year 2015 at the parental house of the informant situated at Junnar. The subsequent incidents are also stated to have taken place at the same house. The

evidence of the informant shows that the said house consists of two rooms with two verandas. Informant's father (PW-2), has deposed that, during the relevant period, he was residing in the said house along with his mother, wife, the informant, her three children, his two sons, and their respective families. Thus, his evidence indicates that approximately ten to twelve persons were residing in the said house. The prosecution has not brought on record any evidence to explain how the alleged first incident of rape in the year 2015, as well as the subsequent incidents, could have taken place in a house consisting of only two rooms and occupied by a large number of family members.

21] The informant has also admitted in her cross-examination that there were neighbouring houses adjoining their residence and that she had shouted for help when the accused allegedly forced himself upon her. However, the prosecution has not examined any independent witness from the neighbourhood or any family member to whom the informant is alleged to have raised an alarm. These circumstances render the prosecution version open to doubt.

Delay in FIR

22] Another significant circumstance is the delay in lodging the FIR. The prosecution alleges that the first incident occurred in the year 2015, whereas the present FIR came to be lodged only on 24/06/2017, after a lapse of

about two years. Though delay in reporting a sexual offence is not, by itself, fatal to the prosecution case, but such delay assumes significance where the prosecution relies upon a series of incidents extending over a considerable period. In the facts of the present case, the unexplained delay constitutes an additional circumstance requiring careful appreciation of the evidence. When such delay is considered along-with the admission of the victim that only after the theft case was registered against her, she filed the present FIR, then the entire prosecution story appears to be doubtful. In such case it was incumbent upon the prosecution to explain the delay but it has failed to do so.

Video Clip:

23] The prosecution case further rests upon the allegation that the accused had recorded the first incident on his mobile phone and thereafter repeatedly subjected the informant to sexual intercourse by threatening to make the said video clip public. However, the prosecution has neither produced nor proved the existence of any such video recording. The evidence on record does not disclose that any such video clip was recovered or seized from the mobile phone of the accused, nor has any electronic evidence been adduced to establish its existence. In the absence of any such corroborative material, the allegation that the accused continuously exploited the informant under the threat of the said video clip also becomes doubtful.

24] Thus, when the prosecution evidence is considered in its entirety, namely, the alleged occurrence of repeated incidents in a house occupied by a large number of family members, the absence of any corroborative electronic evidence regarding the alleged video recording, and the delay of approximately two years in lodging the First Information Report, the prosecution version does not appear to inspire confidence and gives rise to serious doubts regarding its truthfulness.

Agreement at Exhibit D-18

25] Exhibit D-18 is an agreement executed between the father of the informant, the informant, the accused, and the wife of the accused. The recitals therein indicate that the father of the informant agreed to compensate the wife of the accused towards the value of the gold ornaments allegedly stolen by the informant. Both the informant (PW-1) and informant's father (PW-2) have admitted the execution of the said agreement and have identified the document in their respective evidence. The informant has further admitted in her cross-examination about registration against her at Shirur Police Station at the instance of the wife of the accused. It has also come in her evidence that the present First Information Report came to be lodged only after the registration of the said theft case and after she had attended the police inquiry in connection therewith.

26] The existence of the prior criminal proceedings arising out of the theft allegations, read together with Exhibit D-18 and the timing of the present FIR, indicates that there was an existing dispute between the parties before the present prosecution was initiated. These circumstances imply a possible motive for false implication.

27] The evidence of the Investigating Officer (PW-3) reveals that he prepared the spot panchnama (Exh 20), the contents whereof were admitted by the defence. He had also referred the victim for medical examination. However, considering the inordinate delay of approximately two years in lodging the FIR, the medical examination was unlikely to yield any incriminating evidence capable of advancing the prosecution case. The Investigating Officer (PW-3) has further deposed that he had collected the Call Detail Records (CDRs) of the accused. However, the said CDRs were neither produced nor exhibited before the Court. Consequently, no technical or electronic evidence in the nature of Call Detail Records is available on record to corroborate the prosecution version.

28] In his cross-examination, the Investigating Officer (PW-3) admitted that the informant had not furnished any specific particulars regarding the dates, timings, or places where the alleged incidents of sexual intercourse had taken place. He further admitted that a criminal case was pending against the informant at Shirur

Police Station. During the course of investigation, he had collected copies of the FIR and the bond executed by the accused therein, which have been marked as Exhibit D-18. The Investigating Officer (PW-3) admitted that he had not made any inquiry whatsoever with the wife of the accused regarding the allegations in the present case. The very foundation of the prosecution case is that the accused allegedly demanded sexual favours from the victim by threatening that he would continue to harass, or would not grant divorce to, his wife, who happens to be the informant's sister. In such circumstances, the wife of the accused was undoubtedly a material witness whose statement would have been of considerable relevance in ascertaining the truthfulness of the allegations regarding the alleged threats, harassment, and the marital discord between her and the accused.

29] The complete omission on the part of the Investigating Officer (PW-3) to examine or even make inquiries with such a material witness constitutes a serious lapse in the investigation. This unexplained omission creates a substantial dent in the prosecution case. The defective investigation on this crucial aspect gives rise to an adverse inference that no material was available to substantiate the allegation that the accused had threatened the victim by using the alleged marital dispute with his wife as a means of coercion. Consequently, the prosecution has

failed to establish this vital link in its case beyond reasonable doubt.

30] The evidence of PW-4, Vikas Jadhav, the second Investigating Officer, is confined to the arrest of the accused and the filing of the charge-sheet before this Court. His testimony is formal in nature and does not throw any light on the merits of the prosecution case. There is nothing substantive in his evidence warranting detailed discussion.

31] It is well settled that the sole testimony of the victim/prosecutrix is sufficient to sustain the conviction of an accused if it is found to be wholly reliable, of sterling quality, and inspires the confidence of the Court. Corroboration is not a rule of law where the testimony of the prosecutrix is otherwise trustworthy and credible. However, in the present case, the evidence of the prosecutrix falls far short of the standard of sterling quality. Her testimony, read in conjunction with the evidence of the other prosecution witnesses and the documentary evidence on record, is replete with material inconsistencies and does not inspire the confidence of the Court. The evidence further discloses the existence of circumstances indicating a possible motive to falsely implicate the accused. Coupled with the unexplained and inordinate delay in lodging the FIR, which the prosecution has failed to satisfactorily account for, the prosecution version becomes highly doubtful. Consequently, it

would be unsafe to base the conviction of the accused solely on such evidence.

32] In view of the cumulative effect of the unexplained delay in lodging the FIR, the admitted prior dispute between the parties, and the surrounding circumstances emerging from the evidence, the testimony of the informant does not inspire the degree of confidence necessary to form the sole basis of conviction without satisfactory corroboration. A conspectus of the above discussion is that the prosecution has failed to prove any charges against the accused. Resultantly, the accused deserves to be acquitted in the present case. There is no muddemal in the case, hence no order is passed for the same. The facts of the case do no warrant the grant of any compensation and hence, no order is passed for the same. Hence, the following order :

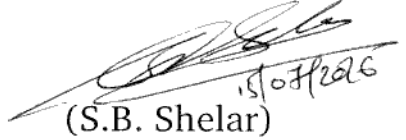
ORDER

- i] Accused Santosh Laxman Gaikwad, is hereby acquitted of the offences punishable under section 376, 504 and 506 of Indian Penal Code, vide section 258(1) of the Bhartiya Nagarik Suraksha Sanhita, 2023.
- ii] His bail bonds stand canceled and sureties are discharged.
- iii] The Accused is directed to furnish P.R. and S.B. of Rs.30,000/- in compliance with the provisions under section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and it shall remain in force for six months.

- iv] Copy of the Judgment be sent to the District Magistrate/Collector in compliance of section 406 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dictated and pronounced in open Court.)

Date – 15/07/2026


(S.B. Shelar)
Addl. Sessions Judge,
Junnar, Pune.

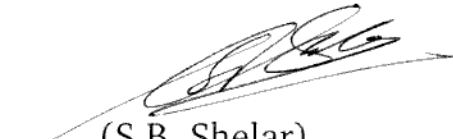
Part 'C'

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	Victim/Informant	Informant
PW-2	Victim's father	Panch witness
PW-3	P. D. Gaikwad	Investigating officer
PW-4	Vikas A. Jadhav	Investigating officer

Date -15/07/2026


(S.B. Shelar)
Addl. Sessions Judge,
Junnar, Pune.