



Presented on : 01.08.2025

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Decided on : 02.04.2026

Duration : Y M D
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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE ALIBAG,
DIST. RAIGAD**

(Presided over by S.D.Bhagat)

Criminal Appeal No.23 of 2025
CNR No.MHRG010008762025
EXH. No.13 /

Chandrakant Kashinath Pawar

Age : 48 yrs., Occ.: Labour

At.Namdevnagar, Post.Poynad,

Tal.Alibag, Dist.Raigad.

...Appellant

Versus

State of Maharashtra

...Respondent.

**Appeal against the judgment and order
passed by Ld. Chief Judicial Magistrate,
Alibag- Raigad in RCC No.04/2023 on
04/07/2025.**

APPEARANCE :-

Ld.Adv Shri.Sachin Makani & Shri.A.S.Bangera for the
Appellant.

Ld.APP Smt.Komal Rathod for the respondent.

J U D G M E N T

(Delivered on 02/04/2026)

Introduction :-

This Criminal Appeal is directed against the judgment and order dated 04/07/2024 passed by the learned Chief Judicial Magistrate First Class, Alibag in R.C.C. No. 04/2023, whereby the appellant came to be convicted for the offence punishable under Section 354-A(1)(i) IPC and sentenced to suffer rigorous imprisonment for six months with fine of Rs.6,000/-.

02. The appellant challenges both conviction as well as sentence, contending that the findings recorded by the learned trial Court are erroneous, contrary to evidence on record, and unsustainable in law.

Facts Necessary for Deciding the Appeal :-

The prosecution case, in brief, is that :-

03. On 18/12/2022 at about 3:00 p.m., at Namdevnagar, Poynad, the appellant, allegedly in a drunken condition, followed the prosecutrix to the backside of her house and, under the pretext of taking her child, touched her breast without consent, thereby outraging her modesty. On the basis of complaint, offence under Section 354-A IPC came to be registered. After investigation, charge-sheet was filed. The accused pleaded not guilty and claimed trial.

The prosecution examined seven witnesses, namely :-

04. Prosecutrix (star witness), Husband (PW-3), Panch and other supporting witnesses, Investigating Officer. The defence was of total denial and false implication, allegedly due to monetary dispute. The learned Magistrate, relying primarily on the sole testimony of the prosecutrix, recorded conviction.

Points for Determination :-

05. The following points arise for determination :-

Sr.No.	Points	Findings
1.	Whether the prosecution has proved beyond reasonable doubt that the appellant committed sexual harassment by touching the breast of the prosecutrix, constituting offence under Section 354-A(1)(i) IPC?	...Proved.
2.	Whether the impugned judgment suffers from perversity, illegality or improper appreciation of evidence warranting interference ?	...No.
3.	Whether the sentence imposed requires interference ?	...No.
4.	What order ?	As per final order.

:: REASONS ::**AS TO POINT NO.1 :-**

Whether the prosecution has proved beyond reasonable doubt that the appellant committed sexual harassment by touching the breast of the prosecutrix and thereby committed offence punishable under Section 354-A(1)(i) of the Indian Penal Code ?

Expanded Appreciation, Discussion and Reasoning on Point No. 1 :-

06. Legal Ingredients of Section 354-A IPC. Before advertng to the evidence, it is necessary to consider the legal framework.

Section 354-A(1)(i) IPC contemplates :- Physical contact and advances involving unwelcome and explicit sexual overtures. Thus, for establishing the offence, the prosecution must prove :
i) Physical contact by the accused, ii) Such contact being unwelcome, iii) The act being sexual in nature, and The act being intentional or with knowledge of its likely effect on the modesty/dignity of the woman.

07. It is settled that touching the breast of a woman without consent is inherently an act of sexual nature and constitutes unwelcome physical contact within the meaning of the section.

08. At the very outset, it is required to be noted that the

substratum of the prosecution case rests primarily upon the testimony of the prosecutrix, namely PW-1 Divyata Chavarkar. In cases of this nature, where the alleged act is one concerning the bodily dignity and sexual autonomy of a woman, the Court is not expected to approach her testimony with suspicion merely because independent eye-witnesses to the precise act are unavailable. Such acts are ordinarily committed in a manner and at a place where the offender seeks to avoid public gaze. Therefore, the testimony of the prosecutrix, if it inspires confidence, is by itself capable of forming the basis of conviction. It is thus necessary to examine her evidence with anxious care, not with distrust, but with the degree of caution required in criminal adjudication.

09. PW-1 Divyata Chavarkar has deposed in a clear, natural and sequential manner regarding the occurrence. According to her, on 18/12/2022 at about 3.00 p.m., she and her husband were sitting in the courtyard / doorway of their house. At that time, the accused Chandrakant Kashinath Pawar came there in a drunken condition. She has further stated that the accused first attempted to create familiarity by moving his hand over the head of her husband and saying that he was like his son, and similarly by touching her head and saying that she was like his daughter. This introductory part of her evidence assumes importance because it depicts the immediate conduct of the accused and the surrounding circumstances in which the incident unfolded. It also shows that the accused did not abruptly commit the act complained of, but first assumed a false posture of familiarity and affection so as to lower the guard of

the prosecutrix and those present.

10. She has then stated that the accused asked her husband to bring a packet of Vimal gutkha. When her husband refused, the accused made the same demand to her. She replied that she would not go herself, but would tell someone else. Thereafter, when she started proceeding towards the rear side of the house to call her sister-in-law, the accused followed her from behind. This part of the evidence is again highly significant. It indicates that the accused did not remain where he initially was, but deliberately moved behind the prosecutrix when she went away from the front portion of the house. The movement of the accused following her to the backside of the house is a relevant incriminating circumstance, as it supplies continuity to the prosecution case and explains how the offending act came to be committed in relative seclusion.

11. PW-1 has further deposed that when the accused followed her, he told her that he wanted to speak to her. Her response, as stated by her, was that whatever he wanted to say, he should say from a distance. This answer is most natural. It shows that she immediately sensed that the accused was coming unnecessarily close to her and she tried to keep him away. She has further stated that at that time her one-and-half-year-old daughter was with her. Then, according to her, the accused, under the pretext of taking the child near him, came close to her and uttered that he knew about her “Darshan matter” and then touched her left breast. She has categorically stated that because of this act she felt ashamed and immediately slapped the accused twice on his cheek and then went to inform her

husband.

12. This core portion of her testimony is direct, specific and unambiguous. She has not made a vague allegation of misbehaviour. She has described : i) the time of occurrence, ii) the place, iii) the surrounding background, iv) the conversation immediately preceding the incident, v) the fact that the accused followed her, vi) the excuse used by him for coming close, vii) the words uttered by him, viii) the exact part of her body touched by him, and her immediate reaction thereafter.

13. A witness who is falsely implicating an accused generally tends either to overstate the incident or to give a generalized, omnibus and dramatized version. In contrast, the version of PW-1 is marked by a ring of reality. It bears the imprint of actual experience. She has narrated only what, according to her, occurred and nothing more. There is no artificial embellishment in her evidence. This lends assurance to her testimony.

14. Her conduct immediately after the occurrence is also consistent with ordinary human behaviour. She has stated that after the accused touched her breast, she slapped him and then went to tell her husband. There is nothing improbable in such reaction. A woman subjected to such unwelcome and humiliating physical contact may instinctively react with anger, shock and protest. Her reaction of immediately slapping the accused and informing her husband is therefore wholly natural. Thereafter, according to her, her husband told her to go to the police station while he would go to the house of the accused and

inform them of the incident. She has further stated that when her husband went to the house of the accused and told them about the incident, the family members of the accused stated that they were fed up with him and that a complaint be lodged at the police station. Thereafter, she went to the police station and lodged the report.

15. This sequence of post-incident conduct is again important. It negatives the possibility of deliberation or concoction. A prompt report is one of the assurances of truth. Though every prompt FIR is not necessarily truthful, and every delayed FIR not necessarily false, yet prompt recourse to law is a relevant factor in evaluating credibility. In the present case, PW-1 has stated that after the incident she went to the police station at about 3.15 p.m. and lodged the complaint. The promptitude with which she approached the police strongly supports the spontaneity and genuineness of her grievance. A woman would not ordinarily expose herself to the trauma, embarrassment and social scrutiny of a criminal case involving sexual misconduct unless something substantial had indeed occurred.

16. The defence attempted to attack her testimony in cross-examination. However, on careful reading of the cross-examination, what emerges is not any material contradiction or improvement, but only bare suggestions of falsity. PW-1 has admitted that the accused was her neighbour, that he had been known to her for many years, that he was elderly, and that he used to treat her like a daughter and her husband like a son. Far from assisting the defence, this circumstance in fact cuts both ways. It shows that the accused was not a stranger. But it also

makes the occurrence more understandable in the sense that an elderly neighbour using assumed affection as a cover for inappropriate contact is not an impossible circumstance. Merely because the accused was known to the prosecutrix and used to behave in a familiar manner, it cannot be inferred that the allegation is inherently false. On the contrary, cases of this nature frequently arise from abuse of such familiarity.

17. The defence also suggested that the prosecutrix had falsely implicated the accused because he had refused to lend Rs.5,000/- to her. This suggestion has been specifically denied by her. Significantly, except such suggestion, no material whatsoever has been brought on record to probabalise the theory of false implication. No independent circumstance, no previous quarrel, no documentary material, and no convincing motive has been established by the defence. In a case of this nature, when an allegation directly concerns the modesty and dignity of a married woman, the Court must ask itself whether there was any plausible reason for her to expose herself and her family to criminal litigation merely because a small loan was allegedly refused. In the absence of convincing supporting material, such a defence remains a bald suggestion and cannot dislodge otherwise credible testimony.

18. The cross-examination further shows that repeated suggestions were put to PW-1 that she and her husband were not sitting in front of the house, that the accused did not come there in a drunken state, that he did not ask for Vimal gutkha, that she did not go to the backside to call her sister-in-law, that the accused did not follow her, that he did not touch her left

breast, that she did not feel ashamed, and that she did not slap him. Every one of these suggestions was categorically denied by her. Mere denial of suggestions by itself may not always prove truthfulness; however, what is relevant is that the defence could not elicit any omission, contradiction or improbability in her version while putting all these suggestions. Her narration remained intact on all material particulars.

19. One aspect highlighted in cross-examination is the typographical discrepancy in the FIR, namely that in the printed report the date was typed as 17/12/2022 instead of 18/12/2022. PW-1 has clearly stated that she had signed the complaint after reading it and that she had pointed out the date discrepancy to the police, who told her that it was a typing mistake. She has consistently maintained that the incident occurred on 18/12/2022. Such typographical discrepancy in the printed form, by itself, does not corrode the substratum of the prosecution case, particularly when the witness has explained it and the defence has not shown any prejudice caused thereby. The discrepancy is not on the nature of the act, identity of the accused, place of incident or role attributed to him. It is thus a clerical defect, not a substantive infirmity.

20. Another defence attempt appears from the cross-examination where PW-1 stated that at the relevant time she was carrying her minor daughter in her left arm and the child's head was towards her left chest. A suggestion was given that therefore the accused could not have touched her left breast. This suggestion does not persuade the Court. The witness has specifically maintained that under the pretext of taking the

child, the accused came close and touched her left breast. The fact that she was carrying the child does not render such an act impossible. Rather, it provides the very opportunity or excuse used by the accused to invade her bodily space. The defence suggestion thus does not create any serious dent in her version.

21. The cross-examination also records her statement that the accused used to go to work in the shop of Santosh Jain at Poynad in the morning and return in the evening, but she denied the suggestion that on the date of incident he had gone to work. No evidence has been led by the defence to prove alibi or to establish through employer or attendance record that the accused was elsewhere at the relevant time. Therefore, this line of suggestion also remains unsubstantiated.

22. It is equally important to note that PW-1 has admitted that prior to the incident the accused had rendered financial help to them. This admission again shows fairness in her deposition. A falsely implicating witness generally suppresses facts favourable to the accused. Here, the prosecutrix did not deny such previous assistance. This balanced approach in her testimony adds to her credibility and indicates that she was not deposing with a vindictive or exaggerated mindset.

23. Thus, upon a cumulative reading of the examination-in-chief and cross-examination of PW-1, this Court finds that: i) her presence at the spot is natural and undisputed, ii) the presence of the accused in the vicinity is not inherently improbable, iii) the sequence narrated by her is coherent, iv) her reaction is immediate and natural, v) the complaint is prompt,

v) there is no material contradiction, vi) the defence of false implication is unsupported, and no circumstance has been brought on record to render her version inherently improbable.

24. In criminal jurisprudence, especially in offences involving sexual misconduct against a woman, the Court must be careful not to import notions of hyper-technical doubt divorced from human probabilities. The testimony of the prosecutrix is not to be weighed in golden scales of perfection. Minor omissions, clerical discrepancies, or non-availability of independent eye-witnesses cannot overshadow otherwise trustworthy testimony. The broad question is whether the evidence as a whole inspires confidence. In the considered view of this Court, the testimony of PW-1 Divyata Chavarkar does inspire such confidence.

25. Her evidence, read as a whole, establishes that the accused deliberately followed her to the back side of the house, came close to her on a false pretext, uttered words suggestive of moral insinuation, and touched her left breast without her consent. Such conduct unmistakably amounts to physical contact and unwelcome sexual overture, squarely falling within the ambit of Section 354-A(1)(i) of the Indian Penal Code.

26. Therefore, the learned trial Court was justified in placing reliance upon her testimony. On independent re-appreciation also, this appellate Court finds no reason to discard or dilute her evidence. Rather, the same is found to be cogent, credible and sufficient to prove the foundational fact of sexual harassment alleged against the accused. Accordingly, this Court

holds that the prosecution has successfully proved, through the reliable testimony of the prosecutrix, that the appellant touched her breast without consent and thereby committed the offence punishable under Section 354-A(1)(i) IPC.

Detailed Appreciation of Remaining Prosecution Evidence :-

Appreciation of PW-3 :-

27. PW-3, being the husband of the prosecutrix, is a natural witness to the events immediately preceding and succeeding the incident. His testimony assumes significance not as a direct eye-witness to the act of molestation, but as a witness to the surrounding circumstances forming part of the same transaction.

28. PW-3 has deposed that on the relevant date and time, he along with the prosecutrix was sitting in front of their house when the accused arrived in a drunken condition. He has further stated that the accused placed his hand on his head and behaved in an over-familiar manner, addressing him as a son. Thereafter, the accused demanded Vimal gutkha from him, which he refused. The same demand was then made to the prosecutrix, who declined and proceeded towards the backside of the house to call her sister-in-law. Crucially, PW-3 has stated that the accused followed the prosecutrix towards the rear side.

29. This portion of his evidence assumes considerable importance as it establishes : i) Presence of the accused at the relevant time and place, ii) Conduct of the accused immediately prior to the incident, iii) Movement of the accused following the

prosecutrix into a secluded area, iv) Though PW-3 has candidly admitted that he did not witness the actual act of touching the breast, such admission enhances rather than diminishes his credibility, as it reflects a truthful and non-exaggerated account.

30. His further deposition that the prosecutrix returned immediately and disclosed the incident to him lends assurance to the prosecution case. Such prompt disclosure is a vital circumstance, which is treated in law as a guarantee of truthfulness, being a spontaneous reaction of a victim to a traumatic incident.

31. It is a matter of common human conduct that offences relating to sexual harassment are committed in isolation and not in the presence of others. Therefore, absence of direct eye-witness account from PW-3 does not render the prosecution case doubtful. Thus, the evidence of PW-3 provides strong circumstantial corroboration to the testimony of the prosecutrix and supports the prosecution version in material particulars.

Appreciation of PW-2 :-

32. PW-2 Santosh Kamble has been examined to prove the spot panchnama. He has deposed regarding: Visit to the spot, ii) Preparation of panchnama, iii) Location of the incident being at the rear side of the house of the prosecutrix.

33. The defence has attempted to discredit this witness on the ground that he is acquainted with or related to the prosecutrix. However, it is a settled principle that : Relationship

or acquaintance is not a ground to discard testimony, unless bias or falsity is demonstrated.

In the present case :-

34. Nothing substantial has been elicited in cross-examination to discredit PW-2, His evidence remains consistent and unshaken, The spot described by him aligns with the version of the prosecutrix. The spot being at the rear portion of the house, away from public view, lends intrinsic support to the prosecution case that the act was committed in a secluded area, thereby explaining absence of independent eyewitnesses. Thus, the testimony of PW-2 corroborates the place of occurrence and strengthens the prosecution case.

Appreciation of PW-4 and PW-5 :-

35. PW-4 and PW-5 are not direct witnesses to the incident but are witnesses to surrounding circumstances and subsequent conduct.

36. Their evidence broadly establishes :- Presence of the accused in the vicinity, ii) Conduct of the accused prior to the incident, iii) Disclosure made by the prosecutrix soon after the occurrence. iv) Though they have admitted that they did not witness the actual act, their testimony cannot be discarded on that ground alone. In cases of this nature, it is rare to find independent eyewitnesses to the actual act, particularly when the incident occurs in a private or secluded place.

Their evidence serves the limited but important purpose of :

37. Lending assurance to the prosecution story, Supporting the natural conduct of the prosecutrix, Corroborating immediate aftermath of the incident. Hence, their evidence, though not direct, forms part of the chain of circumstances supporting the prosecution.

Appreciation of PW-6 :-

38. PW-6 has produced photographs of the spot along with the certificate under Section 65-B of the Evidence Act. From her evidence, it is established that :- The photographs accurately depict the spot of incident, The location is consistent with the prosecution version, The place is such where the incident could occur without public visibility.

39. The compliance with Section 65-B lends admissibility to the electronic record, and no serious challenge has been raised to its authenticity. Thus, this evidence provides visual corroboration of the scene of occurrence and supports the prosecution case regarding the physical setting of the incident.

Appreciation of PW-7 :-

PW-7, the Investigating Officer, has deposed regarding :-

40. Registration of FIR, Visit to the scene of offence, Preparation of panchnama, Recording statements of witnesses, Filing of charge-sheet. During cross-examination, a discrepancy was brought regarding the date mentioned in the printed FIR. The Investigating Officer has explained that the incorrect date

was a typographical error.

This explanation appears :-

41. Reasonable, Natural in official documentation, Not affecting the core of the prosecution case.

It is well settled that :-

42. Minor discrepancies or clerical errors do not vitiate prosecution unless they go to the root of the case. No material irregularity or illegality in investigation has been demonstrated. Thus, the evidence of PW-7 establishes that the investigation was conducted in a regular and lawful manner, and supports the prosecution case.

(E) Rebuttal of Defence Case :-

43. The defence has mainly taken a plea of false implication, allegedly due to a monetary dispute of Rs.5,000/-. This defence is liable to be rejected for the following reasons:

Absence of Proof of Motive :-

44. No independent evidence has been led to establish any monetary dispute, No prior complaint or dispute is shown, The suggestion remains a mere assertion without proof. A bald suggestion in cross-examination cannot be elevated to a probable defence.

No Reason for False Implication :-

45. The prosecutrix is a married woman with children. There is no material to show :- Any enmity, Any prior dispute of

serious nature, Any motive strong enough to falsely implicate the accused in a serious offence.

It is highly improbable that a woman would :-

46. Risk her dignity, reputation and social standing to falsely implicate an elderly neighbour without compelling reason.

Conduct of the Prosecutrix :-

46. Her conduct is : Natural (slapping the accused), Immediate (disclosing to husband), Prompt (lodging FIR without delay), Consistent throughout. Such conduct is inconsistent with a fabricated story.

Defence Not Probabilised :-

47. The accused has : Not led any defence evidence, Not substantiated alibi, Not shown any circumstance rendering prosecution case improbable. Even on the standard of preponderance of probability, the defence fails.

Minor Discrepancies Not Material :-

48. FIR date discrepancy explained, Relationship of witnesses natural in village setting, These are not material contradictions affecting the substratum of the case.

Overall Assessment of Evidence :-

49. Upon holistic appreciation :- Testimony of prosecutrix is credible and trustworthy, Evidence of PW-3 corroborates material circumstances, Other witnesses support

surrounding facts, Documentary and electronic evidence supports location, Investigation is proper, Defence is unsubstantiated.

AS TO POINT NO.2 :-

Whether the impugned judgment suffers from perversity, illegality or improper appreciation of evidence warranting interference?

Discussion, Appreciation and Reasoning :-

50. At the appellate stage, it is well settled that interference with a judgment of conviction is warranted only when the findings recorded by the trial Court are shown to be : Perverse, i.e., against the weight of evidence or based on no evidence, illegal, i.e., contrary to law or settled principles, or Based on improper or selective appreciation of evidence resulting in miscarriage of justice.

51. The appellate Court does not sit as a Court of re-trial but is required to examine whether the conclusions drawn by the trial Court are reasonably possible and sustainable on the basis of the material on record.

52. In the present case, as discussed in detail while deciding Point No.1, the prosecution case rests primarily on the testimony of the prosecutrix, which has been found to be cogent, consistent and trustworthy. The trial Court has correctly appreciated that in offences relating to sexual harassment, the sole testimony of the prosecutrix, if reliable, is sufficient to

sustain conviction without independent corroboration.

53. A careful perusal of the impugned judgment reveals that the learned trial Magistrate has : Properly formulated the points for determination, Considered the essential ingredients of Section 354-A IPC, Undertaken a detailed analysis of the testimony of the prosecutrix, Examined the cross-examination and defence suggestions, Considered the evidence of other witnesses including PW-3, panch witness and Investigating Officer, Dealt with the defence of false implication and rejected the same for cogent reasons.

54. The reasoning of the trial Court shows that the learned Magistrate has not accepted the prosecution case mechanically, but has applied judicial mind to : The natural conduct of the prosecutrix, Prompt lodging of FIR, Consistency of her version, Absence of any motive for false implication, Corroborative circumstances emerging from surrounding evidence.

55. It is also pertinent to note that the trial Court has taken into consideration the minor discrepancies, such as the typographical error in the FIR, and has rightly held that such discrepancies do not affect the core of the prosecution case.

56. The defence has not been able to demonstrate : Any material contradiction ignored by the trial Court, Any vital piece of evidence wrongly excluded, Any legal principle misapplied, Any conclusion drawn which is so unreasonable that no prudent person would arrive at such finding.

57. On the contrary, the appreciation of evidence by the trial Court is found to be : Balanced, Logical, Based on settled principles of criminal jurisprudence. The conclusions reached by the trial Court are not only plausible but are fully supported by the evidence on record.

58. It is trite that where two views are possible, the appellate Court should not substitute its own view unless the view taken by the trial Court is manifestly erroneous or unsustainable. In the present case, the view taken by the trial Court is a reasonable and legally sustainable view. Thus, no perversity, illegality or improper appreciation of evidence is demonstrated so as to warrant interference by this Court.

Finding on Point No. 2 :-

59. Accordingly, it is held that : The impugned judgment does not suffer from perversity, illegality or improper appreciation of evidence and does not warrant interference.

AS TO POINT NO. 3 :-

Whether the sentence imposed requires interference ?

Discussion, Appreciation and Reasoning :-

60. The appellant has also challenged the sentence imposed by the trial Court. Before examining the same, it is necessary to note that the offence proved against the appellant is under Section 354-A(1)(i) of the Indian Penal Code, which is punishable with imprisonment which may extend up to three years, or with fine, or with both.

The trial Court has sentenced the appellant to :-

61. Rigorous imprisonment for six months, and Fine of Rs.6,000/-, with default sentence. Thus, the sentence imposed is well within the statutory limits and cannot be said to be excessive on the face of it.

The trial Court has considered :-

62. The nature of the offence, The manner in which it was committed, The impact on the dignity of the prosecutrix, The need for deterrence in offences affecting women. It has also considered the mitigating factors urged by the accused, including : Age, Family responsibilities, Alleged absence of prior criminal record.

63. However, the trial Court has rightly observed that offences relating to outraging the modesty of a woman are serious in nature and have wider societal impact. Such offences cannot be viewed lightly, as they affect not only the individual victim but also the sense of security of women in society. The refusal to grant benefit of probation is also justified in view of the settled legal position that:

64. In cases involving offences against the modesty of women, benefit of probation is ordinarily not to be extended, considering the gravity and societal impact of such offences. The sentence imposed cannot be said to be : Disproportionate, Harsh, or Shockingly excessive.

On the contrary, the sentence appears to be :- Moderate, Reasoned, Commensurate with the nature of offence proved.

65. No special or exceptional circumstances are brought on record by the appellant to warrant reduction or interference with the sentence.

Finding on Point No. 3 :-

66. Accordingly, it is held that :- The sentence imposed by the trial Court is just, proper and does not call for any interference. Hence order.

:: ORDER ::

1. The Criminal Appeal No. 23 of 2025 stands dismissed.
2. The judgment and order of conviction and sentence dated 04/07/2023 passed by the learned Chief Judicial Magistrate, Alibag in R.C.C. No. 04/2023, convicting the appellant for the offence punishable under Section 354-A(1)(i) of the Indian Penal Code and sentencing him to suffer rigorous imprisonment for six months and to pay fine of Rs.6,000/-, in default to suffer simple imprisonment for one month, is hereby confirmed and maintained.
3. The appellant is present before the Court. In view of dismissal of the appeal, he is taken into custody forthwith to undergo the substantive sentence.
4. Issue conviction warrant against the appellant for committing him to prison for undergoing the sentence as awarded by the trial Court.
5. The appellant shall be entitled to the benefit of set-off

under Section 428 of the Code of Criminal Procedure, as per law.

6. The direction regarding payment of compensation out of fine amount under Section 357(1) of the Code of Criminal Procedure in favour of the prosecutrix, as ordered by the trial Court, is hereby confirmed. If the fine amount is not yet deposited, the same shall be recovered in accordance with law.
7. Bail bonds of the appellant, if any, shall stand cancelled forthwith.
8. The trial Court record and proceedings be sent back immediately, along with a copy of this judgment.
9. Copy of this judgment be supplied to the appellant free of cost.

(Pronounced in open Court.)

Alibag.

Dated: 02/04/2026.

(S.D.Bhagat)

Additional Sessions Judge.,

Raigad-Alibag.