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Duration : **04 Y. 11 M. 24 D.**

Part-'A' (Title Page of Judgment) [Para 44 (ii) of Chapter VI of Criminal Manual]	
	<u>IN THE COURT OF SESSIONS JUDGE, WASHIM</u> Present: Anil Subramaniam, Sessions Judge, Washim [Date of the Judgment: 12/06/2026] [Sessions Trial No. 72/2021] CNR No. MHWS010005922021
<u>Exh. No. 141.</u>	(Details of FIR/Crime and Police Station)
Complainant	State of Maharashtra, Through Police station, Malegaon, Dist. Washim. <u>Crime No. 99/2021</u>
REPRESENTED BY	I/c DGP Mr. A. R. Vyawahare for the prosecution.
ACCUSED	1) Umesh Wasram Chavhan (A-1), Aged about 36 years, Occu. Private Service, R/o. Sakhardav, Tq. Manora, Dist. Washim. 2) Dinesh Anil Pawar (A-2), Aged about 26 years, Occu. Private Service, R/o. Jogaldari, Tq. Mangrulpir, Dist. Washim.
REPRESENTED BY	Adv. Mr. M. A. Khan for both accused.

Part - 'B'

[Para 44 (ii) of Chapter VI of Criminal Manual]

Date of Offence	10/10/2020, 16/03/2021.
Date of FIR	21/03/2021.
Date of Charge-sheet	18/05/2021 (Committed to Sessions Court on 11/06/2021).
Date of Framing of Charges	05/04/2022.
Date of commencement of evidence	15/09/2023.
Date on which judgment is reserved	12/06/2026.
Date of the Judgment	12/06/2026.
Date of the Sentencing Order, if any	Nil.

Accused Details

Rank of Accused	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.
A-1]	Umesh Wasram Chavhan	21/03/2021	24/11/2021	Sections 376, 448, 450, 452, 506 r/w Section 34 of IPC.	Acquitted	Nil.	Not applicable.
A-2]	Dinesh Anil Pawar	01/05/2021	18/08/2021	Sections 376, 448, 450, 452, 506 r/w Section 34 of IPC.	Acquitted	Nil.	Not applicable.

Part- 'C'

[Para 44 (iii) of Chapter VI of Criminal Manual]

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.	Sushma Dhananjay Lokhande.	Police witness.
PW-2.	Pravin Ukanda Rathod.	Other witness.
PW-3.	Shaikh Salim Sk. Bismillah.	Panch witness.
PW-4.	Mamta Raju Rathod.	Complainant/victim.
PW-5.	Dr. Komal Gajanan Wankhade.	Medical Witness.
PW-6.	Dr. Avinash Haribhau Kalwe.	Medical witness.
PW-7.	Pushpalata Subhash Wagh.	Investigating Officer.

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
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		(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW-1	Gopal Vishwanath Shinde.	Expert witness.
DW-2	Sangita Anil Rathod.	Other witness.

C. Court witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW-1	Nil.	Nil.

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

Sr. No.	Exhibit Number	Description
1.	Exh. P-46/PW-1.	Letter given to medical officer.
2.	Exh. P-79/PW-3.	Bed Sheet seizure panchanama.
3.	Exh. P-80/PW-3.	Seizure panchanama of clothes of victim.
4.	Exh. P-81/PW-3.	Seizure panchanama of clothes of accused.
5.	Exh. P-82/PW-3 & P-83/PW-3.	Seizure memo of biological samples.
6.	Exh. P-87/PW-4.	Complaint.
7.	Exh. P-88/PW-4.	Printed FIR.
8.	Exh. P-89/PW-4.	Statement of complainant u/s. 164 of Cr. P. C.
9.	Exh. P-93/PW-5.	Medical examination report.
10.	Exh. P-98/PW-6.	Medical examination report.
11.	Exh. P-105/PW-7.	Arrest form of accused No. 1.
12.	Exh. P-106/PW-7.	Letter for getting panchas for spot panchanama.
13.	Exh. P-107/PW-7.	Letter regarding forwarding of seized

		articles for analysis.
14.	Exh. P-108/PW-7.	Arrest form of accused No. 2.
15.	Exh. P-109/PW-7.	Portion Marked A of statement of PW-2.

B. Defence :

Sr. No.	Exhibit Number	Description
1.	Exh. D-129/DW-1.	Printouts of hash value of 21 files.
2.	Exh. D-130/DW-1.	Certificate issued by DW-1.
3.	Exh. D-133/DW-1.	Certificate issued by DW-1.
4.	Exh. D-134/DW-1 to D-202/DW-1.	Documents on the Computer and its printouts.

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	Exh. C-101 to C-103.	CA reports.

D. Material Objects :

Sr. No.	Exhibit Number	Description
1.	Article MO No. 1.	Bed sheet.
2.	Article MO No. 2.	Jeans pant.
3.	Article MO No. 3.	T-shirt.
4.	Article MO No. 4.	Red leggings.
5.	Article MO No. 5.	Black top.
6.	Article MO No. 6.	Underwear.
7.	Article MO No. 7.	Panty.
8.	Article MO No. 8.	Bra.
9.	Article A.	8 GB Pen Drive of San Disc make.

J U D G M E N T

(Dated 12/06/2026)

1. By the present trial, the accused are being tried for the alleged offences punishable under Sections 376, 448, 450, 452, 506 r/w Section 34 of IPC in crime No. 99/2021 registered by Malegaon

Police Station.

2. It is the case of the prosecution that the complainant states that she resides with her parents and does household work. Her cousin brother resides next to her house and the uncle is builder in Mumbai. It is further alleged that accused No. 2 was working with the uncle and accused No. 2 used to visit uncle's house and hence, he got introduced the complainant – victim and they were calling one another sister and brother. It is further alleged that on 01/02/2020, accused No. 2 came to her home and accused No. 1 was with him who was standing outside of the house and accused No. 2 informed her that accused No. 1 is brought as a husband for her and she came out and saw the accused No. 1 and told accused No. 2 to wait for her parents and they left away.
3. On 10/10/2020, at about 1.30 pm, both the accused came to her house and her parents had gone to the field and accused No. 2 again stated to her that accused No. 1 is brought alongwith him and he is her to be husband and they should marry and she stated to inform her parents and at that time, accused No. 1 stated that she should marry him and she asked him to ask to her parents and at that time, accused No. 2 pushed her in the house and accused No. 1 was also pushed into the house and accused No. 1 asked to marry and requested for physical relationship and inspite of stating no, accused No. 1 had forceful relation with her and thereafter, accused No. 1 came out and when she came out and stated that she will inform the people about the incident, at that time, both the accused threatened her that if this incident is disclosed, they will state that she called

accused No. 1 for physical relations and will defame her and therefore, she did not disclose it to anyone. Again after some days, both accused came in the afternoon and had physical relations with her and again on 16/03/2021, when she was alone in the house and parents had gone to the field, at about 2.00 pm, both the accused came to the house and she was alone and accused No. 2 stated that accused No. 1 is a good person and she should marry her and accused No. 1 was also along with him and then pushed victim on the bed and accused No. 1 had forceful relations with her and she pushed him and asked as to why he was doing so and he stated that she should permit him to have physical relationship and she stated that he should ask the parents for her marriage and at that time, accused No. 1 stated that he is married and has 3 children and only wanted to have physical relations with her and hence, and that if she stated anything, she would be defamed in the society and killed and hence, as this was disclosed, of the earlier marriage, on 16.03.2021, the fact was informed to the parents and thereafter, they were thinking of defamation because of lodging of complaint and subsequently lodged complaint on 21.03.2021.

4. Based on these allegations, police carried out investigation and arrested the accused and based on these investigations filed charge sheet before the Court. The same is committed to this court for trial.
5. My Ld. predecessor framed charge against the accused. The accused pleaded not guilty and claimed to be tried.
6. To bring home the guilt of the accused, prosecution examined in all seven witnesses and relied on various documents like complaint spot panchnama medial evidence and other documents. .

7. As there was incriminating evidence against the accused, I examined the accused under Section 313 of Cr. P. C. The accused put up a defence that they are falsely implicated. The accused also preferred written statement in their defence wherein it is contented that it was the victim who contacted accused No. 2 and then she came back to Pune where Accused No 1 resided together and that subsequent there to she had a quarrel and then demanded money and as it was not paid, the complaint came to be lodged.
8. The accused also examined two defence witnesses namely the witness to their marriage namely that of accused No. 1 and the victim and computer expert who took down the messages between the victim, accused and wife of accused and also one translator's affidavit of the conversation from Banjara language to English.
9. Heard both sides. Considering the submissions advance, Perused the chargesheet and evidence following points arise for my consideration and I answer the same as under for the reason stated herein after.

Sr. No.	POINTS	DECISION
1)	Whether the prosecution establishes that the accused has committed forceful sexual intercourse with the victim and accused No. 1 abetted the same ?	.. In the Negative
2)	Whether the prosecution establishes that the accused have committed any offence ?	.. In the Negative
3)	What order ?	.. As per final order.

REASONS

As to Point No. 1 -

10. In order to bring home the guilt of the accused, prosecution has

examined seven witnesses. I shall consider the evidence of material witnesses.

11. Firstly, the medical officer who examined the victim is PW-5 and the medical report is available at Exh. No. 93. The medical examination was conducted after about 6 to 7 days of the incident, namely on 22.03.2021.
12. The report at Exh. 93 indicates the last incident having occurred on 16.03.2021 and it speaks of multiple instances of sexual assault and the duration is said to be about 2 to 3 times in a month. One has to consider this as an important aspect in this case.
13. To the said Medical Officer, the victim has stated that she was treated with physical violence, there was assurance of terrorizing by the accused, there was pulling of hair, banging of head and dragging involved during the alleged sexual assault. Apparently and as stated by the said Medical Officer, no injuries were found on the person of the victim in support thereof .
14. The second witness would be that the first intervener in the entire incident is said to be PW-2 who is the cousin brother of Victim. The cousin brother has not supported the case of prosecution. Although apparently he was not witness to the incident or relationship, it is pointed out that the incident was disclosed to the said cousin brother on 28.03.2021 i.e. prior to lodging of complaint. Having said this, I have already reiterated the contentions in the complaint.
15. The most important witness in the case is PW-, who 4 is the victim and who lodged complaint. Her complaint and evidence reveals that the first incident is said to be of dated 01.10.2020. Nothing took place actually on that day except introduction of accused No. 1 by accused No. 2 as her would be bridegroom. The second incident is

of 10.10.2020. It is alleged that on that day accused No. 2 pushed accused No. 1 and victim inside and there was forceful physical relations with the victim. The third incident is stated to be of 16.03.2021. It is pointed out that on that day again both of them came and again accused No. 2 pushed accused No. 1 as well as victim on the bed and went outside and she had resisted physically accused No. 1 and again he had physical relations and thereafter, he stated that he only desired to have physical relations, as he is already married having 3 children.

16. The complaint is available at Exh. 87. The said complaint is lodged on 21.03.2021 at around 6.34 pm. Thus, there is delay of around 4 days in lodging of the complaint. One can say that the delay was because of shame attributed to the incident in the society. For the sake of argument, at this stage we consider this to be a probable cause for the delay being caused in lodging of complaint. Apparently, the printed FIR at Exh. 88 does not disclose this to be the reason for delay.
17. While considering the evidence of the victim, there are certain legal principles which have to be considered. It is not disputed that generally the evidence of the prosecutrix can be accepted as a whole and reliance can be made on the same. Now thus in the present case, the question is if it is so reliable .
18. If we perused the complaint, it is apparent that the complaint mentions of incidents of 10.10.2021, then another incident in the meanwhile and third incident of 16.03.2021. Thus, the total period of incidents is around 5 months. During this period, there was no disclosure to anyone. It is apparent that the victim was a married lady at that time. This marriage is also suppressed by the

prosecution and victim. The third part is that the accused confronted the victim with a photograph and the said photograph shows the accused No. 1 and victim apparently very close comfortable position. There is no explanation by the prosecution for the same. Lastly but not the least, the cause for lodging complaint as per the complaint is the knowledge of the fact that accused No. 1 was already married. Thus, if one sees between the lines, the complaint actually amounts to having sexual intercourse under deceit of marriage or assurance of marriage. The last circumstance is of absence of injuries when there is alleged forceful physical opposition is alleged. Contrary to this, the complaint as well as the evidence does not speak of any injuries or any such circumstances.

19. The Hon'ble Supreme Court of India in the case of ***Rameshwar Singh ..vs.. State of Rajasthan, AIR 1952 SC 54*** has held that corroboration is not required in all cases, but there should be some additional evidence rendering it provable that the case of the complainant is true and reasonably safe to act upon and that such independent evidence should be of the nature that it should connect the accused with the crime or the sequence of events stated. Corroboration may not be direct evidence. Thus, it is in these circumstances and the above circumstances which show closeness of relationship of accused No. 1 with the victim.
20. That one has to examine the case in two perspectives. Firstly, of forceful relationship and secondly, relationship under deceit. It is well settled that consent by deceit is no consent at all.
21. The first part as relating to the forceful physical relationship, one can say that the victim has stated that she refused to have sexual relationship, but her refusal does not come forthwith ahead. This is

considering the fact as stated to the medical officer of she having said relationship on two or three occasions per month during the period. The absence of injuries, the non-disclosure to any person about the alleged incident also raises serious doubts. It is also part of evidence that the alleged place of incident is seen to be a very crowded place and there are houses very near to the said place of incident. Thus, any commotion or cry for help would have likely to be unheard by someone. All these circumstances clearly create doubts about the allegations of so called forceful sexual assault by accused No. 1 on the victim.

22. The second part that relates to the so called assurance of marriage. Firstly, it is also part of record that the victim was married and the documents clearly indicate that at least in December-2020, she was using her name i.e. the matrimonial name. How and when it changed over to her parental name is a mystery unexplained by the prosecution. Suffice to say that there is some support, hence, to the contention of separation by demanding money from the matrimonial relationship. The aspect whether there was assurance of marriage and whether there was proposal of marriage are two different things. It is not that under the garb of marriage there was actual sexual relationship as stated by the complainant. The complainant states that what was put forth was a proposal for marriage and she had specifically stated that the parents should be contacted for the said proposal. Thus, it was not that she was asked to have sexual relationship with a promise that if she conceded for physical relationship, the accused No. 1 would marry her or that it was on assurance of marriage. Thus, apparently there is nothing on record to indicate otherwise.

23. The further conduct of the victim is also of some cause of concern. DW-2 has specifically stated that she saw the victim and accused No. 1 getting married during October-2021. i.e. the period when the incident took place. Although her defence is a weak piece of evidence, one can certainly try to create a situation wherein some more explanation is required to be stated by the prosecution. Lastly but not the least, it is an admitted aspect that the complainant after lodging of the complaint, came in conversation with the wife of the accused and there is contention of having conversation with the accused No. 1 also.
24. There are number of photographs and Whats App messages filed on record. These circumstances are for consideration in view of the above facts. Although for technical reasons and for circumstances as seen, the original record or Whats App messages and photographs are not proved. The evidence of the said DW-1 inspires some confidence of receipt of the data from the accused No. 1 and copying the same. I believe that the defence of the accused should be to create some doubt and not actual proof. Suffice to say that it creates some doubt of prosecution case and more particularly considering the photograph admitted by the victim.
25. Considering these circumstances coupled with the medical evidence or absence there of, it is difficult to conclude forceful or alleged sexual assault under the garb of assurance of marriage. The Investigating Officer has not verified the averments made or presence of the accused from the Neighbors or otherwise. Thus, there is total lack of any support to the case of the victim. The evidence of the victim does not inspires total confidence and in fact, other circumstances creates this doubt with regard to the actual

sequence of events as stated by the victim. It is well settled law that it is for the prosecution to bring home the guilt of the accused beyond reasonable doubt.

26. Much was also stated with regard to the statement wherein the apparent relationship of accused No. 1 and the victim is said to be admitted. In this regard, one has to consider the charge which relates to specific events and incident 10th October-2020 as well as second incident of 16/03/2021. It is for the prosecution to explain these circumstances and these events. Even otherwise, the victim's evidence does not inspire confidence to conclusively hold that the accused committed any sexual relationship or forceful sexual relationship with the victim on 10/10/2020 or 16/03/2021 as stated in the charge. The total absence of medical evidence and other indicators any woman who is married clearly takes doubt on the case of the prosecution. In view of these circumstances, the prosecution has failed to establish that the accused No. 1 have committed forceful sexual assault on the victim and the accused No. 2 assisted the said sexual assault. Hence, I answer point No. 1 in the negative.

As to Point No. 2 -

27. Considering the above facts and circumstances, the prosecution has failed to establish that the accused have committed any offence and hence, I answer point No. 2 in the negative and pass the following order -

ORDER

1]	The accused Umesh Wasram Chavhan, R/o. Sakhardav, Tq. Manora, Dist. Washim and Dinesh Anil Pawar, R/o. Jogaldari, Tq. Mangrulpir, Dist. Washim are hereby acquitted for commission of alleged
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	offence punishable under Sections 376, 448, 450, 452, 506 r/w Section 34 of IPC in crime No. 99/2021 registered by Malegaon Police Station, vide Section 235 (1) of Cr. P. C.
2]	The accused are on bail, their bail bonds stands cancelled and surety discharged.
3]	The accused to furnish PR bond of Rs. 25,000/- (Rupees twenty five thousand only) with one solvent surety in the like amount each as per Section 437-A of Cr. P. C.
4]	The property i.e. bed sheets, jeans pant, T-shirt, red leggings, black top, underwear, panty, bra be destroyed and the disposal of the property be carried out after the appeal period is over and only after seeking confirmation from the Registry of Hon'ble High Court of Bombay Bench at Nagpur that no appeal or other proceeding challenging this judgment is pending before the Hon'ble High Court.
5]	Electronic evidence namely Pen Drive be preserved, as per rules as a document.
6]	Inform to Police Station, Malegaon, Dist. Washim accordingly.
7]	The copy of the judgment be supplied to the District Magistrate, Washim.
8]	Sessions Trial No. 72/2021 stands disposed off.
	Judgment dictated, delivered and pronounced in open Court.

Place :- Washim
Date :- 12/06/2026

(Anil Subramaniam)
Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this PDF file word to word are same as per original judgment/order.

Name of Stenographer	:	A. W. Ajmire, Steno (G-II)
Court Name	:	Principal District & Sessions Judge, Washim.
Date of order/Judgment	:	12/06/2026
Judgment dictated on	:	11/06/2026
Order/Judgment signed by		
Presiding Officer on	:	12/06/2026
Order/Judgment uploaded on	:	12/06/2026