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Duration : **13 Y. 07 M. 16 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: 28/07/2026] [Spl. Atrocity Case No. 28/2012] CNR No. MHWS010009482012
<u>Exh. No. 35.</u>	(Details of FIR/Crime and Police Station)
Complainant	State of Maharashtra, Through Police station, Washim (Rural), <u>Crime No. 535/2008</u>
REPRESENTED BY	I/c. AGP Mr. A. R. Vyawahare for the prosecution.
ACCUSED	Rameshwar Motiram Dalavi (A-1), Aged about -- years, Occu. Labour, R/o. Asola Jahagir, Tq. Washim, Dist. Washim.
REPRESENTED BY	Adv. Mr. R. B. Vispute, Vice Chief LADC for accused.

Part - 'B'

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

Date of Offence	22/12/2008.
Date of FIR	22/12/2008.
Date of Charge-sheet	30/09/2010 (As Misc. Cri. Case). Committed to Sessions Court on 17/11/2012 and registered as Spl. Atrocity Case.
Date of Framing of Charges	Charge is not framed, as the accused is absconded and the trial is proceeded as per Section 299 of Cr. P. C.
Date of commencement of evidence	26/09/2024.
Date on which judgment is reserved	28/07/2026.

Date of the Judgment	28/07/2026.
Date of the Sentencing Order, if any	28/07/2026.

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]	Rameshwar Motiram Dalavi	Accused is absconded	-----	Sections 376, 506, of IPC r/w Sections 3(1)(12), 3(2)(v) of SC & ST Act.	Convicted	RI of 8 (eight) years and fine of Rs. 1,000/- (Rupees one thousand only), in default further RI of 1 (one) month for commission of offence punishable under Section 376 of IPC.	Not applicable.
						RI of 6 (six) months and fine of Rs. 500/- (Rupees five hundred only), in default further RI of 7 (seven) days for commission of offence punishable	

						e under Section 506 of IPC	
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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	Sangita Gajanan Aware.	Complainant.
PW-2	Wasudeo Sampat More.	Other witness.
PW-3	Dr. Vijay Devaji Wakode.	Medical witness.

B. Defence Witnesses, if any :

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

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-1/PW-1.	Report dated 22/12/2008.
2.	Exh. P-19/PW-3.	Injury notes.
3.	Exh. P-20/PW-3.	Medical examination report.

4.	Exh. P-21/PW-3.	Form of analysis of samples.
5.	Exh. P-22/PW-3.	Application for medical examination of victim.

B. Defence :

Sr. No.	Exhibit Number	Description
1.	Nil.	Nil.

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	Nil.	Nil.

D. Material Objects :

Sr. No.	Exhibit Number	Description
1.	Nil.	Nil.

J U D G M E N T

(Dated 28/07/2026)

1. By the present trial, the accused is being tried for the alleged offences punishable under Sections 376, 506 of IPC r/w Sections 3(1)(12), 3(2)(v) of SC & ST Act in crime No. 535/2008 registered by Washim (Rural) Police Station.
2. At the outset, it is necessary to mention that the accused is remaining absent since inception. Considering the same, proclamation came to be issued against the accused and the accused was not present. Subsequent thereto, considering the provisions of Section 356 of BNSS, procedure has been duly followed.
3. As the accused was absent, LDAC was appointed for defence.
4. It is the case of the prosecution that the complainant lodged complaint that she is married to one Gajanan and has children. On 22.12.2008, at about 02.00 p.m., she had gone to the field to collect fuel and at that

time, the accused came near her and offered to break the sticks and then broke some sticks and at that time, when she refused to take the sticks, he came near her and embraced her and dragged her to the Nala and pressed her mouth, gave threat to life and lifted her Saree and petticoat and committed intercourse with her against her wish and he also pressed her breast, torn her blouse and scratches were on her body and then he ran away and when she was going home, one Wasudev, Ashok and others saw her and she informed the incident to them and then came to police station and on the way met her husband.

5. Based on these allegations complaint came to be registered and offence came to be lodged. Police carried out investigation and thereafter filed charge sheet against the accused.
6. Considering the fact that accused is absent and the provisions of Section 356 of BNSS which starts with the clause of notwithstanding anything contained in this Sanhita or in any other law for the time being in force, this Court is empowered to pronounce the judgment in absentia. The provisions of Section 356(2) are duly complied.
7. Heard both sides. Perused chargesheet. Following points arise for my consideration and I answer the same as under for the reason stated herein under.

Sr. No.	POINTS	DECISION
1)	Whether the prosecution establishes that the accused committed penetrative sexual assault on the victim ?	.. In the affirmative.
2)	Whether the prosecution establishes that the accused have committed any offence ?	.. In the affirmative.
3)	What order ?	.. As per final order.

REASONS

As to Point No. 1 -

8. The time of incident is around 02.30 p.m. on 22.12.2008 and the complaint is lodged immediately namely at about 07.05 hours. The spot panchanama is also conducted on 23.12.2008. The spot panchanama is available.
9. The victim was examined as PW-1 by my Ld. predecessor. She states that the accused gave 3 or 4 fire woods to her. But she did not take the same and thereafter, he hugged her and gave threat to kill, tore her blouse and had forcible sexual intercourse with her and also pressed her mouth and broke the bangles. She also states that she had injuries on her back and abrasion on her face. She also points out that three persons were found subsequently to whom she told about the incident.
10. The Ld. counsel Shri. Vispute strongly cross examined the said witness. He pointed out the discrepancies in her evidence that she was made to fall down is absent in the complaint as well as the statement subsequently. In fact, it is there in the complaint as well as statement that she was asked not to fall down before the forceful penetrative assault. It is alleged that there is political enmity, but same is not developed. Thus, nothing has been brought about to disprove the said complainant about the said incident. The complaint as well as the evidence is conducive and corroborating one another and inspires confidence.
11. The PW-2 is Wasudeo, who states that the victim met her and she stated that Rameshwar outraged her modesty and in fact one of them also slapped the accused.

12. PW-3 is the Medical Officer and he submits that he found abrasion on right forearm, on the back, on the right shoulder. Thus, these contentions support the victim's statement of injuries on her face and back. Much has been harped upon these witnesses because the injuries are mentioned on a separate sheet and not on the form itself. Apparently, the form at Exh. 20 is having less space and the injuries are duly mentioned and signed on a separate page by the concerned medical officer. Thus nothing incorrect can be found in considering the said. He found bangles present on her hand. The spot also points out broken bangles. The Medical Officer has clearly opined that because she is married, the exact effect of forceful intercourse cannot be given. Thus, considering the same there is due corroboration.

13. The Investigating Officer and other witnesses are either not traceable or have died. In such circumstances, the evidence of victim appears to be reliable and well corroborated by the evidence of medical officer. Hence, I answer point No. 1 in affirmative.

As to Point No. 2 -

14. In view of findings to point No. 1, I hold that the accused has committed offence punishable under Sections 376, 506 of IPC. The exact caste certificate of the victim and accused are not filed on record and not proved and considering the same, I am not going into the aspect of offences under SC & ST Act. Suffice to say that in absence of proof of caste of the victim, same cannot be upheld. Hence, I convict the accused under Sections 376, 506 of IPC and answer point No. 2 in the affirmative.

As to Point No. 3 -

15. In view of the accused remaining absent, he has forfeited his right for hearing on point of sentence. Suffice to say considering the nature of allegations the following sentence would suffice. Hence, I pass the following order -

ORDER

1]	The accused Rameshwar Motiram Dalavi , Occu. Labour, R/o. Asola Jahagir, Tq. Washim, Dist. Washim is hereby convicted for commission of alleged offence punishable under Sections 376, 506 of IPC in crime No. 535/2008 registered by Washim (Rural) Police Station, vide Section 235(2) of Cr. P. C.
2]	The accused Rameshwar Motiram Dalavi to suffer RI of 8 (eight) years and fine of Rs. 1,000/- (Rupees one thousand only), in default further RI of 1 (one) month for commission of offence punishable under Section 376 of IPC.
3]	The accused Rameshwar Motiram Dalavi to suffer RI of 6 (six) months and fine of Rs. 500/- (Rupees five hundred only), in default further RI of 7 (seven) days for commission of offence punishable under Section 506 of IPC.
4]	The accused is acquitted for commission of offence punishable under Sections 3(1)(12), 3(2)(v) of SC & ST Act in crime No. 535/2008 registered by Washim (Rural) Police Station, vide Section 235(1) of Cr. P. C.
5]	All the sentences shall run concurrently.
6]	The accused was never arrested in this case and did not undergone detention. Hence, no question of set off.
7]	The property i.e. clothes of victim and other articles, being worthless, be destroyed after period of 4 years or further directions of the Hon'ble High Court of Bombay on verification with regard to the pendency of the appeal.

8]	Issue standing warrant against the accused which shall be renewed every six months and if the Court find any.
9]	Inform to Police Station, Washim (Rural), Dist. Washim accordingly.
10]	The copy of the judgment be supplied to the District Magistrate, Washim.
11]	Spl. Atrocity case No. 28/2012 stands disposed off.
	Judgment dictated, delivered and pronounced in open Court.

Place :- Washim
Date :- 28/07/2026

(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	:	28/07/2026
Judgment dictated on	:	28/07/2026
Order/Judgment signed by Presiding Officer on	:	28/07/2026
Order/Judgment uploaded on	:	28/07/2026