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Sessions Case No.77/2022

Exh. 46

Form No.XXXII
Part 'A'
(Title page of Judgment)
(Para 44(i) of Chapter VI of Criminal Manual)

	IN THE COURT OF SESSIONS JUDGE, YAVATMAL, DISTT. YAVATMAL <i>(Presided over by S. C. Munghate)</i>
	Sessions Case No. : 77/2022 FIR No. 493/2020 Under Section 376(2)(f)(i)(k)(n), 323 and 506 of the Indian Penal Code. Police Station, Yavatmal City, Tq. and District: Yavatmal
COMPLAINANT :	State of Maharashtra, Police Station, Yavatmal City, Tq. and District: Yavatmal
PRESENTED BY :	APP Smt. S. V. Darne
ACCUSED :	Sandip Gautam Landge, Aged 40 Years, Occu. Service, R/o. Chandore Nagar, Dhamangaon Road, Yavatmal, Tq. Kalamb and Distt. Yavatmal,
PRESENTED BY :	Adv. Shri I. N. Deshmukh

Part – 'B'

(Para 44(i) of Chapter VI of Criminal Manual)

Date of offence	20.05.2021
Date of FIR	27.05.2021
Date of charge Sheet	15.06.2022
Date of framing Charge	14.12.2023
Date of commencement of evidence	25.02.2026
Date on which judgment is reserved	30.04.2026
Date of Judgment	13.05.2026
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	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of Section 428 Cr.PC.
1	Sandip Gautam Landge	27/05/2021	02.07.2021	Section 376(2)(f) (i)(k)(n), 323 and 506 IPC	Acquitted	--	--

Part – 'C'

(Para 44(i) 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)
PW1	Victim	Informant/victim
PW2	Rashtrapal Gangasagar Wathore	Sister of victim
PW3	Dr. Rajni Sudarshan Kamble	Medical Officer
PW4	Shital Sandip Landge	Sister of victim

PW5	Swati Sudhakarrrao Wankhede	Investigation Officer
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B. Defence witnesses if any.

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

C. Court witnesses if any.

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

LIST OF PROSECUTION /DEFENCE/COURT EXHIBITS

A. Prosecution

Sr.No.	Exh. No.	Description
1	Exh.P-23/PW1	Oral Report
2	Exh.P-24/PW1	First Information Report
3	Exh.P-25/PW1	Seizure panchanama of clothes of victim
4	Exh.P-26/PW1	Statement of victim under Section 164 of Cr. P.C.
5	Exh.P-34/PW3	Requisition of Police for medical examination of victim
6	Exh.P-35/PW3	Medico Legal Examination Report
7	Exh.P-43 to 46/PW5	Muddemal Receipt

B. Defence

Sr.No.	Exh.No.	Description
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C. Court Exhibits

Sr.No.	Exh.No.	Description
1	28	Crime details form dated 28/05/2021
2	29	Seizure panchanama

3	30	Short case record
4	31	Arrest panchanama
5	39 & 40	Seizure panchanama
6	43 to 46	Receipt of deposit of muddemal

D. Material Objects.

Sr.No.	Art. No.	Description
1	MO-1	Pink colored top
2	MO-2	Blue colored lagging
3	MO-3	Nicker
4	MO-4	Black colored bra

J U D G M E N T

(Delivered on this 13th day of May, 2026)

1. The accused is charged with the offences punishable under Sections 376(2)(f)(i)(k)(n), 323 and 506 of the Indian Penal Code.

The prosecution facts, in brief, are as under :

2. The factual matrix of the case of the prosecution is summarized as under: -

The informant/victim lodged a report that she is studying in B. A. 2nd year at Lakshmibai Kawale College, Yavatmal and resides with her sister Mrs. Sheetal Sandip Landge from last four years at Chandore Nagar, Dhamangaon Road, Yavatmal. Her brother-in-law Sandeep Gautam Landge is a teacher at Ashram School, Moha. He always used to beat with her elder sister for petty reasons and she used to resolve their disputes. Accused Sandeep always used to tell her for physical relations with her otherwise he will beat her sister and he used to harass her. Since her brother-in-law always beats

her sister, she do not want her to be disturbed, therefore, she started having physical relations with her brother-in-law. He threatened her not to tell anyone about this relationship otherwise he will kill her sister. Therefore, she did not tell anyone about their relationship. If she went to her village, he would call and invite her. In 2018, she left the house of her brother-in-law, at that time, he called and threatened her that come back to Yavatmal otherwise, he will beat her. When she refused to come, he beat her sister. Therefore, she came to the house of her brother-in-law at Yavatmal and after that she used to come to his house in Yavatmal during the paper.

3. She further stated in her report that case was registered against her brother-in-law under Section 324 of the IPC at the police station. But accused pressurized her sister to withdraw it from the court. On 26/05/2021 at 10:00 p.m. when she told her brother-in-law that she was pregnant with his child for three months, but he refused the same and threatened her that she should not tell anyone about this, if tell anyone, he will kill her. Thereafter, he forcibly had sexual intercourse with her. She told her brother her brother about the said harassment of the accused and thereafter, on 27/05/2021 she lodged report against accused.
4. On the basis of report, the police has registered the Crime No. 493/2021 under Section 376(2)(f)(k)(n), 323 and 506 of the Indian Penal Code. The Investigating Officer Janardhan Eknath Khanderao, API, conducted the investigation

and prepared spot panchanama in presence of panchas. He obtained the CDR and SDR of mobile of informant and accused. He sent the accused and victim to the hospital for medical examination. He seized blood samples of accused and victim. He also seized the clothes of accused and victim. He sent the samples for analysis. He recorded the statements of witnesses as per their narrations. The Investigating Officer filed charge-sheet before Chief Judicial Magistrate, Yavatmal. The Chief Judicial Magistrate, Yavatmal committed the case to the Sessions Court at Yavatmal as exclusively triable by the Sessions Court.

5. The accused appeared. My learned predecessor framed the charge against accused at Exh.11 for the offence punishable under Section 376(2)(f)(i)(k)(n), 323 and 506 of the Indian Penal Code. Its contents read over and explained to him in vernacular. He pleaded not guilty to it and claimed to be tried.
6. The prosecution examined only five witnesses. The statements under Section 313 of the Code of Criminal Procedure is recorded at Exh.45. His defence is of total denial and false implication and of consensual sexual intercourse.
7. Heard learned A P. P. Smt. S. V. Darne for prosecution and Mr. I. N. Deshmukh for accused.
8. Considering the evidence on record, following points arise for consideration on which the Court answer thereon with reasons as follows :-

<u>Points</u>	<u>Findings</u>
01) Whether prosecution has proved that on 26/05/2021 and prior to it at the house of accused at Chandore Nagar, Yavatmal, the accused being a relative brother-in-law of victim and being a person in a position of trust and also being in a position of control or dominance, accused repeatedly committed rape upon the victim and she become pregnant and thereby committed an offence punishable under Section 376(2)(f)(i)(k)(n) of the IPC ?	... No.
02) Whether prosecution has proved that on the same date, place and time, accused voluntarily caused hurt to female victim and thereby committed an offence punishable under Section 323 of the IPC ?	... No.
03) Whether prosecution has proved that accused committed a criminal intimidation by threatening the victim to kill her death with intent to cause alarm to her to commit rape and thereby committed an offence punishable under Section 506 of the IPC ?	... No.
04) What Order ?	... As per final order.

REASONS

As to point Nos.1 to 4:

9. In order to prove the charges leveled against the accused, the prosecution has examined PW. No.1 victim

(Exh.22), the informant (In short PW-1 victim), P.W. No. 2 Rashtrapal Gangasagar Wathore (Exh.27) brother of victim (In short PW-2 Rashtrapal), P.W. 3 Dr. Rajni Sudarshan Kamble (Exh.33) (In short PW-3 Rajni), P.W. No. 4 Shital Sandip Landge (Exh.38) (In short PW-4 Shital), P.W. No. 5 Swati Sudhakar Wankhede (Exh.42) Investigation Officer.

10. P. W. No. 1 victim deposed in her evidence that three years prior to the year 2021, she was studying in B.A. at Laxmibai Kawade College, Yavatmal. At that time, she was residing at the home of her sister, Sheetal, situated at Chandore Nagar, Dhamangaon Road, Yavatmal. The accused Sandeep Landge is her sister's husband. Whenever accused would quarrel with her sister Sheetal, she would intervene to resolve the dispute. Thereafter, accused pressuring her for physical relations with him, but she refused the same. The accused harassing and physically assaulting her sister, she was compelled to engage in physical relations with the accused. Thereafter, whenever she visited her village, the accused would harass her sister. He threatened to kill her if she did not return to his home. The accused had assaulted her sister therefore, her sister lodged complaint against him at the police station. On the basis of complaint, a criminal case was registered against him.

11. P.W. No. 1 victim further stated in her evidence that on 26/05/2021, at about 10:00 p.m., she informed the accused that she is pregnant because of him for three months but accused denied responsibility for the pregnancy. Thereafter, he

had forcibly sexual intercourse with her. He threatened to kill her if she disclosed the said relationship to anyone, and he assaulted her. Therefore, she received injuries to her lips and face. On the next day, she narrated the entire incident to her sister. When she questioned her, she explained to her that the accused had assaulted her because she had told him that she had become pregnant due to him. Thereafter, she narrated the said fact to her brother Rashtrapal Wathore by phone. Thereafter, her brother and maternal uncle came in Yavatmal and she lodged report (Exh.23) against accused.

12. PW. No. 1 victim further stated in her evidence that on 28.05.2021, the police referred her to the Medical Officer at the Government Hospital, Yavatmal for a medical examination. The Medical Officer had medically examined her after obtaining her consent. During the medical examination, samples of her blood and other specimens were collected. So also, sonography examination was performed on me. During investigation, she shown the spot of the incident to the police. On 29.05.2021, the police seized her clothes and prepared seizure panchanama (Exh.25). She identified the MO-1 pink-colored top, MO-2 pair of blue leggings, MO-3 pair of brick-red shorts and MO-4 black bra. The Judicial Magistrate First Class, Yavatmal, had also recorded her statement (Exh.26). On 30.05.2021, while she was at Hardaf, Tq. Hadgaon, District Nanded, she suffered a miscarriage after falling in the bathroom while taking a bath.

13. P.W. 2 Rashtapal Gangasagar Wathore deposed in his evidence that the victim is his younger sister. She was residing at the house of his brother-in-law Sandeep Landge in Yavatmal for the purpose of her education. On 27/05/2021, he received phone call from the victim and informed him that accused Sandeep had forcibly established physical relations with her by threatening, and she had become pregnant. He narrated the entire incident to his maternal cousin Vijay Sarpatte. Thereafter, they went to the house of accused at Yavatmal and met the victim. The victim had sustained injuries to her face and lips. When he asked her, she disclosed the incidents of physical relations. Thereafter, he took her to the police station, where the victim lodged complaint.
14. During cross-examination, P.W. No. 2 Rashtrapal admitted that he first became aware about victim was pregnant only after arriving in Yavatmal. He denied the other question put by counsel of accused.
15. P.W. No. 4 Shital Sandip Landge deposed in her evidence that the victim is her younger sister. The accused Sandeep is her husband. The victim had come to live at her home three years prior to the filing of the report. She was residing at her home for the purpose of her education. On 27/05/2021, at about 7:30 a.m., when she woke up, she noticed injury on the face of victim. Therefore, she asked her about the injuries. She informed her that her husband had attempted to force himself upon her sister, when she resisted, the accused threatened to kill her and her child and had forcible sexual intercourse with

her. She also stated that she had become pregnant by her husband. Thereafter, she instructed the victim to inform her brother about this incident. Therefore, the victim narrated the details of the incident to her brother over the phone. Thereafter, her brother came to Yavatmal from Hardap and took the victim to the police station and lodged report.

16. P.W. No. 5 Swati Sudhakarrrao Wankhede deposed in her evidence that on 29/05/2021 she seized the clothes of victim and accused and prepared seizure panchanama (Exh.25 and 29). On 29/05/2021 she seized the samples of victim and prepared seized panchanama (Exh.39). Then after, the investigation of the said crime was handed over to the PSI Janardhan Khanderao.

17. Considering the evidence of PW No. 1 Victim and P.W. No 4 Shital, the sexual relationship of accused and victim at started when they were residing in the house of one Landge, where the said house was of two rooms and all the persons alongwith victim were residing in one room. It can be further gathered that P.W. No. Shital was residing house itself alongwith children. It has nowhere come on record from the evidence of victim that the accused was forcefully committing sexual intercourse when P.W. No. 4 Shital was not residing in home. Further after going through the evidence of PW No. 1 it appears that she had been to lodge alongwith accused and there having sexual intercourse.

18. Further, after going through the evidence of PW No. 4 Shital, it is crystal clear that when she lodged report against accused for domestic violence, she alongwith victim left the house of accused and were residing at her matrimonial house. Considering this evidence, which had brought up during cross-examination, it is evident that as contended by the victim when there was forceful sexual intercourse by threatening, the report ought to have been lodged at that time itself on. Further, it has come on record, from the evidence of the victim that when she was residing with sister her matrimonial house, still then they were talking on mobile.
19. On going through the evidence, it is crystal clear that the report is lodged after the P.W. No. 2 brother of victim and P.W. No. 4 sister of victim got the knowledge about the pregnancy of the victim.
20. It here worth to mention that when all were residing in one room, I do not find the evidence of victim trustworthy about the sexual intercourse by accused by giving threatening to kill or beating the closed relative. It appears that sexual intercourse has taken place since prior to three years from the date of lodging report and except giving threatening to the victim the sexual intercourse has taken place not appearing to be trustworthy.
21. No doubt, by the sole testimony of victim the accused can be convicted for such offences. But considering her evidence and ample opportunity was there to the victim to convey the unprecedented act towards her when they were

residing her matrimonial house due to filing of report against accused by PW.No. 4 Shital. Considering all these aspect, I am of the considered view that the prosecution has failed to prove the fact that on the pretext of threatening the accused was committing sexual intercourse with the victim.

- 22.** Considering the conduct of the victim, that she was going alongwith accused in lodge, so also the sexual intercourse have been taken place in the two room house where PW No. 4 sister of victim was continuously present, which goes to show that the sexual intercourse was consensual one.
- 23.** So far as, another contention of the prosecution about threatening the victim, to kill her, as discussed above I have already hold that sexually intercourse was of consensual nature therefore, I do not find any force in the contention of prosecution that the accused threatened to victim to kill her.
- 24.** So far as the charge u/Sec. 323 of IPC is concerned it is not disputed that the victim was having injury over her face. It has come on record that on 26/05/2021 at about 10.00 p.m. accused have beaten the victim and in the morning she had narrated the fact her sister in morning hours. After going through the spot panchanama it appears that the house of accused and spot of incident having one bed room, one hall and one kitchen. In such situation, beating the victim and thereafter committing the sexual intercourse without her

concent not appearing to be proper and therefore, benefit needs to be given to the accused.

25. In view of all the above discussion, I am of the view that the prosecution has failed to prove the fact that accused have committed sexual intercourse upon the victim, accused caused hurt to the victim and threatened to kill her and therefore, I answer to point No. 1 to 3 in the negative. In lieu to point No. 4, I pass the following order.

ORDER

- 01) The accused Sandip Gautam Landge is hereby acquitted under Section 235(1) of the Code of Criminal Procedure for the offence punishable under Section 376(2)(f)(i)(k)(n), 323 and 506 of the Indian Penal Code, 1860.
- 02) The muddemal property which is mentioned in the charge-sheet being worthless be destroyed after appeal period is over.
- 03) The accused is hereby directed to furnish his bail bond with surety of Rs.15,000/- as required under Section 437-A of Criminal Procedure Code, to appear before the Hon'ble higher Court as and when such court issues notice in respect of any appeal or petition filed against this judgment.
- 04) Copy be forwarded to the District Magistrate under section 365 of Code of Criminal procedure.

Dated :13/05/2026.

(Shekhar C. Munghate)
Sessions Judge,
Yavatmal.

Certificate

I affirm that the contents of this P. D. F. Judgment/ Order are same word to word, as per the original judgment/ Order.

Name of Stenographer :- R. S. Wanjari,
Stenographer Grade I.
Court name :- Principal District & Sessions Court,
Yavatmal.
Date :- 13/05/2026
Judgment signed by
Presiding officer on :- 13/05/2026
Judgment uploaded on :- 13/05/2026

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