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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.147 OF 2026

XYZ]
Age : 43 years, Occu : Business,]
R/at : Jainyal, Taluka Kagal,]
District Kolhapur]... Appellant.

Versus.

1] State of Maharashtra]
Through Karveer Police Station,]
Kolhapur.]
2] Shubham Ananda Redekar]
Age : 36 years, Occu : Labour,]
3] Sujata Shubham Redekar]
Age : 36 years, Occu : Housewife]
4] Sudha Sagar Jadhav]
Age : 41 years, Occu : Nil,]
All are R/at : Superbhat Colony]... Respondents
Apatenagar, Kolhapur.] (Original Accused)

Mr. Dheeraj Patil for the Appellant.

Ms. Shubhangi N Deshmukh, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 25 AUGUST 2026

ORAL JUDGMENT :-

1. Heard, Mr. Dheeraj Patil, learned Advocate for the Appellant and Ms. Shubhangi N. Deshmukh, learned APP for the Respondent – State.

2. By this Appeal filed under Section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS 2023”), the Appellant (victim) is before this Court, assailing the judgment and order (“impugned judgment”) dated 21st April 2026, passed by the Special Judge, Kolhapur (“Trial Court”) in Special Case No. 243 of 2020, by which Respondent Nos. 2, 3 and 4 have been acquitted of offences punishable under Sections 354(A), 452, 504, 506 r/w 34 of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (“POCSO”).

3. In brief, the prosecution case is that the victim, aged about 16 years, was returning from her aunt’s (Vishakha – PW6) house sometime between 15 June 2020 and 20 June 2020, when Accused No.1 (Shubham) allegedly called her, grabbed her hand and attempted to pull her into his friend’s house, where she noticed liquor bottles and a glass. The victim freed herself and ran away, after which Accused No.1 threatened her not to disclose the incident. Thereafter, on 23 October 2020, Accused Nos. 2 and 3 (Sujata and Sudha, the wife and relative of Accused No.1 respectively) came to the victim’s house, abused her family members and threatened to defame the victim. Following this, the victim disclosed the earlier incident to her parents. The victim’s mother lodged the report at Karveer Police Station on 15 October

2020, leading to registration of FIR No. 1468 of 2020 at Karveer Police Station, Kolhapur.

4. Upon investigation, charge-sheet was filed and the same was numbered as Special Case No.243 of 2020 and placed before the Trial Court for disposal. The prosecution examined seven (7) witnesses Special Case No.243 of 2020.

5. The Trial Court framed 4 points for determination. After scrutinizing the evidence on record and after hearing the parties, the Trial Court, by the impugned judgment, acquitted the Respondent Nos. 2 to 4 (Accused).

6. Mr. Dheeraj Patil, learned Advocate for the Appellant, in his arguments has challenged the impugned judgment on two grounds: *First*, that the Trial Court failed to consider that the victim was 16 years of age on the date of the incident; and *second*, that the holding of the victim's hand itself made out a case under Section 354(A) of the BNSS, 2023. He therefore submits that the impugned judgment needs to be quashed and the Respondent Nos. 2 to 4 (Accused) be convicted.

7. Ms. Shubhangi Deshmukh, learned APP for the Respondent – State, submits that the Trial Court has assessed the material on record and after doing so, has arrived at a categorical finding that no case was made out against the Respondent Nos. 2 to 4. She submits that the impugned judgment does not require any interference. In all fairness, she submits that the prosecution had applied to the Law and Judiciary Department, Government of Maharashtra, for an opinion on whether the impugned judgment would be a fit case for filing an Appeal before this Court. She

tenders a photostat copy of the correspondence dated 17th July 2026, wherein the Law and Judiciary Department, Government of Maharashtra, informed the Public Prosecutor, Kolhapur, that the Government does not consider this to be a fit case for filing an Appeal, same is taken on record and marked with “X” for identification.

8. Perused the records with the assistance of the learned Advocates.

9. While addressing the point for determination No.1, the Trial Court, in paragraph No.22 of the impugned judgment, upon referring to the testimonies of the victim's mother and father, who were examined as P.W. No.1 and P.W. No.2, recorded a finding that the victim was born on 23rd May 2004, as per the birth certificate of the victim (Exhibit-6). Thus, the Trial Court has considered the victim to be 16 years of age on the date of the alleged incident. In such circumstances, the contention of Mr. Dheeraj Patil, the learned Advocate for the Appellant, that the Trial Court has not considered the victim's age as 16 years is liable to be rejected.

10. Apart from contending that the holding of the victim's hand itself made out a case under Section 354(A) of the BNSS, 2023, Mr. Dheeraj Patil, learned Advocate for the Appellant, failed to point out any material in the record to establish the said allegations pertaining to the holding of the hand by Respondent No.1. The Trial Court observed that the incident alleged by the victim, namely Respondent No.1 holding her hand, was three days prior to lodging the complaint. The Trial Court further observed that no reason was assigned for the delay in lodging the complaint and that there was no material to prove the allegations made by

the victim. In paragraph 23 of the impugned judgment, the Trial Court, taking note of the cross-examination of the mother (PW-1), recorded that the possibility of the alleged incident narrated by the victim appears to be remote. Similarly, the testimonies of the father (PW-2), sister-in-law Snehal (PW-4) and aunt Vishakha (PW-6) do not assist the case of the victim (PW-5). The findings of the Trial Court in the impugned judgment are comprehensive and take into account all evidence, oral and documentary.

11. It is trite law that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view favourable to the accused should be adopted. A useful reference is the pronouncement of the Hon'ble Supreme Court in the case(s) of *Bhagwan Singh and others Vs. State of M. P.*¹, *Tulasareddi v. State of Karnataka*², *Babu Sahebagouda Rudragoudar v. State of Karnataka*³ and *Mallappa v. State of Karnataka*⁴.

12. Considering the material on record, as well as the well-reasoned impugned judgment of the Trial Court, I do not find any case for interference in this Appeal.

13. In view of the above, Criminal Appeal No.147 of 2026 is dismissed.

14. No order as to costs.

(ASHWIN D. BHOBE, J.)

¹ (2002) 4 SCC 85
² 2026 SCC OnLine SC 89
³ (2024) 8 SCC 149
⁴ (2024) 3 SCC 544