



Presented on : 22-03-2019
Registered on : 22-03-2019
Decided on : 31-03-2022
Duration : Y03,M00,D09

IN THE COURT OF SESSIONS JUDGE, PUNE
(Presided over by P.P. Jadhav, Addl. Sessions Judge, Pune)

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Spl. (POCSO) Case No. 105/2019
[CNR No. MHPU010045962019]

Exh. No.

State of Maharashtra,
Through P.S.O. Saswad
Police Station, Pune

... **Prosecution.**

Versus

1. Kunal Rajendra Tilekar,
Age 20 yrs., Occu. Education,
2. Nikhil Ramesh Tilekar,
Age 21 yrs. Occu. Education,
No. 1 & 2 R/at Dive, Tal. Purandar,
Dist. Pune.
3. Aniket Ashok Tilekar,
Age 19 yrs., Occu. Education,
R/at Opp. Mahadeo Mandir,
Dive, Tal. Purandar, Dist. Pune.

... **Accused.**

Offence punishable under section 354, 354-B, 324, 323 r/w 34 of
Indian Penal Code & section 8 & 12 of Protection of Children
.from Sexual Offences Act

Shri C.S. Salvi, A.P.P. for the State.
Shri B.B. Zende, advocate for accused Nos. 1 to 3.

J U D G M E N T

(Delivered on 31st March, 2022)

Accused are prosecuted for sexually assaulting and harassing a minor girl and assaulting her brother. Facts are as under :-

2] It is alleged by the prosecution that the victim a minor girl studying in 12th std was residing at Ambodi Road, Saswad, Pune along with her mother and brother. On 05-08-2018 she had gone to Anandbaug Society to purchase a notebook. While she was returning home at about 1.30 at noon, accused Nos. 1, 3 and a juvenile followed her on motorcycle and demanded her mobile number. When she refused, accused Kunal Tilekar and the Juvenile hold her hand, pulled her towards them and outraged her modesty. The victim narrated the incident to her mother and brother. Thereafter, her brother approached the accused and asked them about their behaviour with the victim girl. The accused beat victim's brother and voluntarily caused hurt to him. Thereafter, the victim, her brother and mother went to Saswad Police Station and lodged complaint.

3] After receiving complaint offence punishable under sections 354, 354-B, 324, 323 r/w 34 of Indian Penal Code and section 8 and 12 of Protection of Children from Sexual Offences Act, 2012 came to be registered against the accused. After investigation charge-sheet against present three accused came to be filed.

4] Charge is framed against accused at Exh.05. Accused pleaded not guilty of the offence and claimed to be tried.

5] Statement of accused under section 313 of Cr.P.C. are recorded at Exh.23, 24 & 25. The defence of accused is of total denial.

6] After going through the prosecution story, evidence on record and hearing arguments of both sides, following points arise for my determination. I record my findings thereon for reasons as stated below :-

<u>Sr.No</u>	<u>Points</u>	<u>Findings</u>
1]	Does prosecution has proved that on 05-08-2018 at about 1.30 p.m. on a public road at Anandbaug Society, Saswad, Pune accused Nos. 1, 3 and a Juvenile hold the hand of victim girl, pulled her towards them and thereby sexually assaulted her outraging her modesty ?	 No.
2]	Does prosecution further prove that on above mentioned day, date, time and place accused Nos. 1, 3 and a Juvenile sexually harassed the victim girl by following her on motorcycle ?	... No.
3]	Does prosecution further prove that on 05-08-2018 at about 4.00 p.m. at Jejuri Naka Saswad, accused Nos. 1 to 3 and a Juvenile assaulted victim's brother Suraj by wire rope and voluntarily caused hurt to him ?	... No.
4]	Does prosecution further prove that on above mentioned day, date, time and place accused Nos. 1 to 3 and a Juvenile assaulted the victim's brother by kick and fist blows and voluntarily caused hurt to him ?	... No.
5]	What order?	...As per final order.

REASONS

As to Point Nos. 1 to 4 :-

7] All points are arising out of one and same chain of incidence, hence all points are discussed together.

8] To substantiate charges levelled against accused, the victim girl is examined as P.W. 1 at Exh. 14. Complaint Lodged by her is produced at Exh.15. She deposed that on 05-08-2018 she had gone through Anandbaug Society, Saswad, Pune to bring a Notebook. At that time, accused Kunal Tilekar, Anil Tilekar and a Juvenile followed her on motorcycle. Accused Kunal Tilekar asked her mobile number. On her refusal, he hold her hand and asked her to sit on his motorcycle. The Juvenile had also hold her hand. They pulled her towards them and outraged her modesty. When she raised alarm, they allowed to leave her. She narrated the incident to her brother. Her brother was acquainted with the accused and inquired with them about the incident. Thereupon accused Nos. 1 to 3 and the Juvenile assaulted her brother near Hotel Palange Biryani at Jejuri Naka Saswad. Thereafter they went to Police Station and she lodged complaint Exh. 15.

9] Thus, the victim girl narrated almost all facts alleged in the complaint and mentioned earlier. However, in cross examination she has given vital admissions in favour of the accused. She specifically deposed that near the spot of incident there is always traffic of people proceeding on the road. She admitted that when they had gone to Police Station the mother of the Juvenile was

present in the Police Station for lodging complaint against victim's brother. She further admitted that while police recorded the complaint, 2-3 other people are present by the side of the police and they narrated the contents of the complaint. She further admitted that she had not narrated the contents of the complaint to the police. She clearly admitted that accused had not touched her physically.

10] Thus, the victim has completely resiles from her complaint and facts deposed in chief examination. It is submitted on behalf of the accused that the matter is settled out of the Court. The victim also stated that they have settled the matter out of the Court to maintain harmonious relations. Considering the development, the learned Additional Public Prosecutor filed evidence close pursis at Exh.22.

11] Thus, the very victim girl has given vital admissions in favour of the accused. No other witness is examined. Thus, nothing is proved against the accused. Hence answering Point Nos. 1 to 4 in the negative, following order is passed.

ORDER

1] Accused No. 1 Kunal Rejendra Tilekar, accused No. 2 Nikhil Ramesh Tilekar and accused No. 3 Aniket Ashok Tilekar are acquitted of the offence punishable under sections 354, 354-B, 324, 323 r/w 34 of Indian Penal Code & section 8 & 12 of Protection of Children from Sexual Offences Act vide section 235(1) of the Code of Criminal Procedure.

- 2] Bail bonds of accused stand cancelled.
- 3] Accused to furnish P.R. bond to the tune of Rs. 5,000/- each in view of section 437-A of Code of Criminal Procedure.
- 4] The seized muddemal be disposed off as under :-
 - (i) The metal wire being worthless be destroyed after appeal period is over.
 - (ii) The Muddemal Motorcycle No. MH-12 AU 9718 is already returned to the rightful owner, he shall be bound by the said bond till appeal period is over.

[Dictated and Pronounced in open Court]

Place : Pune
Dt.- 31.03.2022

(P.P. Jadhav)
Additional Sessions Judge, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the assigned Judgment.

Name of stenographer	:	M.R. Saptarshi Steno (Grade 1)
Court	:	Shri P.P. Jadhav Addl. Sessions Judge, Pune
Date	:	31-03-2022
Judgment signed by the Presiding Officer on	:	31-03-2022
Judgment uploaded on	:	31-03-2022