

Received on	:	13/07/2015
Registered on	:	13/07/2015
Decided on	:	06/08/2026
Duration	:	11Y 00M 24D

SPECIAL CASE NO. 1128/2023
(Old Special Case No. 278/2015)
EXH. NO. 70

PART 'A'

CNR No. MH290066782023 	<u>IN THE COURT OF SPECIAL JUDGE</u> <u>(P.O.C.S.O.), BHIWANDI</u> Present : N.K.Karande, Special Judge (P.O.C.S.O.) & Additional Sessions Judge-2, Bhiwandi, District – Thane. [Date of Judgment :- 06/08/2026]	
	(FIR/Crime No. 86/2014, Police Station – Vikramgad)	
PROSECUTION	Victim	STATE OF MAHARASHTRA
REPRESENTED BY	Public Prosecutors	Shri. C. B. Nawale
ACCUSED		Sagar Ravindra Jadhav, Aged about 22 years, R/at : Gunj, Post Khupari, Taluka Wada, District Palghar.
REPRESENTED BY	Defence Counsel	Shri. Rajesh More Advocate.

PART 'B'

Date of offence	Since the year 2013 to 12/11/2014
Date of FIR	12/11/2014
Date of Charge-sheet	03/06/2015
Date of Framing of charges	16/10/2023
Date of commencement of evidence	19/10/2024
Date on which judgment is reserved	---
Date of the Judgment	06/08/2026
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 under-gone during Trial for purpose of Section 428, Cr.PC.
1	Sagar Ravindra Jadhav	21/01/2015	19/03/2015	Sections 376(2)(n), 417 of the I.P.C. & Sec. 4 & 6 of the POCSO Act, 2012	Acquitted	--	--

PART 'C'

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution :-

RANK	NAME	NATURE OF EVIDENCE EYE-WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS	EXHIBIT NO.
PW1	The Victim	Informant/Victim	06
PW2	Rajashri Rajaram Dhone	Other Witness	12
PW3	Mother of the Informant/Victim	Other Witness	13
PW4	Vinod Balu Satve	Other Witness	16
PW5	Yohan Henari Parhad	Investigating Officer	22
PW6	Narendra Dinkar More	Other Witness	43
PW7	Raju Yashwant Jadhav	Other Witness	49
PW8	Haridas Rajaram Gavit	Other Witness	54
PW9	Shrikant Hanumant Lade	Expert Witness	56

B. Defence Witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE (EYE-WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
No defence witness examined.		

C. Court Witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE (EYE-WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
No Court witness examined.		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	Exh. 07	FIR/Report
2	Exh. 08	Printed FIR
3	Exh. 09	Application given by the informant/victim
4	Exh. 10	Statement of the informant/victim u/s. 164 of Cr.PC.
5	Exh. 11	Extract of School General Register
6	Exh. 20	Copy of Photographs of spot

7	Exh. 21	Medical Report issued by the Medical Officer, Rural Hospital, Vikramgad
8	Exh. 23	Spot Panchanama
9	Exh. 24	Letter issued to the Tahasildar cum Executive Magistrate, Vikramgad
10	Exh. 25	Letter issued by the Circle Officer, Vikramgad
11	Exh. 26	Map of spot
12	Exh. 27	Letter issued to the J.M.F.C., Jawhar
13	Exh. 28	Letter issued to the Medical Officer, Rural Hospital, Vikramgad
14	Exh. 29	Letter issued to the C.A. Laboratory, Kalina, Mumbai
15	Exh. 30 to 33	Letters issued to the Medical Officer, Rural Hospital, Vikramgad
16	Exh. 34 & 35	Letters issued to the C.A. Laboratory, Mumbai
17	Exh. 36	Letter issued to the Gramsevak, Grampanchayat Utawali
18	Exh. 37	Letter issued to the Principal of Sharada Highschool, Neroli
19	Exh. 38	Reminder letter issued to the C.A. Laboratory, Mumbai
20	Exh. 39 & 40	C.A. Reports
21	Exh. 41	Certificate issued by the Village Development Officer, Group Grampanchayat Utavali, Taluka Vikramgad
22	Exh. 44	Extract of School Register (Sharada Vidyalaya, Nehroli)
23	Exh. 45	Leaving Certificate of the informant/victim
24	Exh. 51	School General Register Extract
25	Exh. 55	Certified copy of letter issued to the C.A. Laboratory, Mumbai

26	Exh. 57	Report issued by Assistant Director, Forensic Science Laboratory, Mumbai
27	Exh. 58 colly.	Letters regarding collecting samples and handover samples to the C.A. Laboratory

B-Defence :

Sr.No.	Exhibit Number	Description
No document exhibit as no witness is examined.		

C-Court Exhibits :-

Sr.No.	Nature of documents	Exhibit No.
No document exhibit as no witness is examined.		

D-Material objects :-

Sr.No.	Material object No.	Description
Nil		

IN THE COURT OF SPECIAL JUDGE (P.O.C.S.O.),BHIWANDI,
AT BHIWANDI,
DISTRICT - THANE
(PRESIDED OVER BY N.K.KARANDE)

SPECIAL CASE NO. 1128/2023
(Old Special Case No. 278/2015)

Exh.70

State of Maharashtra,
Through Police Station Officer,
Police Station, **Vikramgad**,
District Palghar.

... **PROSECUTION**

// V E R S U S //

Sagar Ravindra Jadhav,
Aged about 22 years,
R/at : Gunj, Post Khupari,
Taluka Wada, District Palghar

... **ACCUSED**

Shri. C. B. Nawale, the Ld. A.P.P for the State.

Shri. Rajesh More, the Ld. Advocates for the accused

OFFENCES PUNISHABLE U/Ss. 376(2)(n), 417 OF THE INDIAN
PENAL CODE AND U/Ss. 4 & 6 OF THE PROTECTION OF
CHILDREN FROM SEXUAL OFFENCES ACT, 2012.

J U D G M E N T
DELIVERED ON 6th AUGUST, 2026

INTRODUCTION :-

1] The accused sitting in the docket is facing the trial for the offences punishable under Sections 376(2)(n), 417 of the Indian Penal Code and Sections 4 & 6 of The Protection of Children from Sexual Offences Act, 2012.

THE PROSECUTION CASE :-

2] The prosecution story, in short, is as under :-

The informant/victim was residing alongwith her father, mother and brother. She learnt upto 9th standard. In 2013, there was a marriage of the victim's paternal aunty's son in the May-2013. In that marriage, the accused came, therefore, the informant/victim acquainted him. Thereafter, love relation developed between the informant/victim and accused. After two months at about 5.00 p.m. the accused came to the informant/victim's house. The accused stated that he is unmarried and he wants to perform marriage with the informant/victim, that time the sexual relation had taken place between them. Thereafter, he came to her house and stayed, on that day also the sexual relation had taken place between them. The accused also visited

the informant/victim's house and they kept sexual relation. From that relation the informant/victim become pregnant. Therefore, she informed the accused. The accused stopped contacting to the informant/victim. On 02/11/2014 she gave birth to the child and she abandoned said child to the corner of her house on the ground. Therefore, Vikramgad Police station registered crime no. 84/2014 against the informant/victim under Section 317 r/w. 34 of the Indian Penal Code. Thereafter, the informant/victim narrated the incident to the accused and requested for marriage with her and taking custody of the child. The accused refused to marry with her, thereafter, the informant/victim came to know that the accused already married and he cheated to the informant/victim, therefore she filed a report at Vikramgad Police Station.

3] On the basis of the report of the informant, the P.S.O. of the Vikramgad Police Station registered a Crime No. 86/2014 for the offence punishable under Sections 376(2)(n), 417 of the Indian Penal Code and Sections 4 & 6 of The Protection of Children from Sexual Offences Act, 2012.

THE INVESTIGATION:-

4] The Investigating Officer visited the spot of the incident and prepared spot panchanama in presence of panchas. He collected samples. He sent the samples to the C.A. Laboratory. He collected DNA sample of the new born baby and sent to the

C.A. Laboratory. He recorded statement of witnesses. After completing the investigation, he filed the charge-sheet.

THE CHARGE :-

5] The charge has been framed at Exh. 02 against the accused for the offence punishable under Sections 376(2)(n), 417 of the Indian Penal Code and Sections 4 & 6 of The Protection of Children from Sexual Offences Act, 2012. The contents of the charge were read over & explained to the accused in vernacular, to which, he pleaded not guilty and claimed to be tried.

THE STATEMENT OF THE ACCUSED :-

6] The statement of the accused u/s.313(1)(b) of the Code of Criminal Procedure, 1973 is recorded at Exh. 62. The accused denied incriminating evidence of the prosecution witnesses. He submitted that he is foisted in a fake case. He submitted that he is innocent. The defence of the accused are of total denial.

POINTS AND FINDINGS :-

7] The following points arise for determination and the findings thereon are recorded as under for the reasons to follow:

Sr.No.	<u>P O I N T S</u>	<u>F I N D I N G S</u>
1.	Whether the prosecution proves that during the period from July-2013 at about 17.00 p.m. to 12/11/2014 at about 16.00 hours at Shelpada, Taluka Vikramgad, in the house of Kishor Tukaram Dhone within jurisdiction of Vikramgad Police Station, the accused repeatedly committed rape on victim (then minor) under the pretext of marriage ?	..Not proved
2.	Whether the prosecution proves that during above mentioned period, time and place, the accused cheated the victim (then minor) by deceiving her by fraudulently inducing her to keep physical relations with him on the pretext of marriage, due to which she became pregnant and delivered a child, but when she asked the accused about the marriage and acceptance of said child, the accused refused to marry her and accept the said child ?	..Not proved
3.	Whether the prosecution proves that during above mentioned period and place, the accused committed penetrative sexual assault on the victim (then minor) by penetrating his penis into the vagina of the victim girl ?	..Not proved

4.	Whether the prosecution proves that during above mentioned period and place, the accused has repeatedly committed aggravated penetrative sexual assault on victim (then minor) and as a consequence of sexual assault, impregnated her ?	..Not proved
5.	What order ?	As per final order.

REASONS

ARGUMENTS:-

8] The learned A.P.P. Shri. Nawale for the prosecution submits that the accused already married even though he gave promise to the informant/victim regarding marriage and repeatedly committed sexual intercourse with the informant/victim. The victim become pregnant from the accused. The accused is the biological father of the new born baby and this fact is confirmed by the DNA report. He further submits that the evidence of the witnesses are supported to the prosecution case. The prosecution has proved its case beyond reasonable doubt. Therefore, he prayed for awarding conviction to the accused.

9] Per contra, the learned Advocate Shri. Rajesh More for the accused submits that, there were consensual relation between the informant/victim and the accused. The DNA report is not sufficient to prove that the accused was biological father of the

new born baby. The informant/victim was major at the time of the incident. The informant/victim's birth date has not been proved by the prosecution. The school teacher's evidence is not sufficient to prove the birth date of the informant/victim. The informant/victim's evidence create doubt on the prosecution case. Therefore, he prayed for acquittal of the accused.

10] He relied on the following case laws :

- (i) Mahesh Bhimraj Jadhav Vs. The State of Maharashtra, 2023 ALL MR (Cri) 3045,
- (ii) Kailas Hiranman Salve Vs. The State of Maharashtra, 2023 ALL MR (Cri) 2798,
- (iii) Maherban Hasan Babu Khan Vs. The State of Maharashtra, 2023 ALL MR (Cri) 1962,
- (iv) The State of Maharashtra Vs. Vishnu Tulshiram Karwate, 2021 ALL MR (Cri) 277,
- (v) Angad Tikaram Chandane Vs. The State of Maharashtra, 2018 ALL MR (Cri) 2552,
- (vi) Nivrutti Nagorao Hange Vs. State of Maharashtra, 2024 ALL MR (Cri) 3445.

AS TO POINT NOS.1 TO 4 :-

11] All these points are interlinked with each other and in order to avoid repetition, all the points are taken together for discussion.

DISCUSSION OF EVIDENCE:-

12] To attract the provision of the Protection of Children from Sexual Offences Act, 2012, it is necessary to prove by the prosecution that the informant/victim was minor i.e. below 18 years at the time of incident. According to the prosecution, the age of the informant/victim is nearabout 18 years. The evidence of the informant/victim indicates that her birth date is 01/01/1996. The school general register extract is at Exh. 11. The evidence of Narendra More (PW6) indicates that the victim took the admission in his school on 15/06/2010 and left the school on 31/05/2013. The school register at Exh. 44 indicates birth date is 01/01/1996. He admits that he had not verified birth date of the victim with other document. Second witness is Raju Yashwant Jadhav (PW7). His evidence indicates that the victim was admitted in his school on 02/06/2003 and left school on 01/05/2007. School register is at Exh. 51. He admits that no any document is available in respect of birth date of the victim. The evidence of the victim's mother does not speak regarding birth date of the victim. The FIR indicates that the age of the victim is above 18 years. Therefore, the burden lies on the prosecution to produce any document on

which basis the school entry was done in the school register regarding birth date of the victim. The source of the birth date is not established by the prosecution. Unless source of birth date is not proved, the school leaving certificate regarding birth date is not established as a correct. The prosecution has not brought on record any document regarding birth date of the victim except school leaving certificate. The prosecution has produced the certificate issued by Gramvikas Adhikari, Group Grampanchayat at Exh. 41. Said certificate indicates that there is no entry regarding birth date in the Grampanchayat record. Therefore, the burden lies on the prosecution to produce the document on which basis the birth entry of the victim was taken in the school register. The prosecution has not proved the source of entry of the school register regarding birth date of the victim. The prosecution has not proved the correct birth date of the victim. Mere school register entry without base is not sufficient to prove the birth date. Under such circumstances the prosecution has not proved that the informant/victim was below eighteen years.

13] The evidence of the informant/victim (PW1) at Exh. 06 indicates at the time of incident she was residing at Shelpada with her parents. Her birth date is 01/10/1996. In the marriage of Prashant, she started acquainted with the accused. Thereafter, friendship was started between them. After two months, he came to her house and he tried to keep sexual relation with her. She refused to him, however, he had given assurance that he will

perform marriage with her and thereafter he kept sexual relation with her on that day. Nobody was present in the house. That time he stated his name as 'Raj' when they started acquainted to each other. On that day, he came to her house as a guest.

14] It has further come in her evidence that the accused again came to her house and he kept sexual relation with her. He came to her house in night hour and he commits sexual relation with her. She always asked him regarding marriage that time he used to keep promise regarding marriage. Thereafter she became pregnant from him. She stated to the accused regarding pregnancy. Thereafter, he had not kept any relation with her. She had not disclosed her pregnancy to her parents. She gave birth to one daughter on 02/11/2014. She left that daughter on the open ground, therefore, Crime No. 84/2014 was lodged against her. She disclosed the incident to the accused and request him to marry with her, however, the accused refused to marry with her. Already the accused was married. Same fact came to know her after that. Therefore, she filed a report Exh. 07 against the accused. She gave application (Exh. 09) to the police Thane Vikramgad. She shown the place of incident to police. She was sent for medical examination. Her statement u/s. 164 of Cr.PC. is at Exh. 10. School General Register extract is at Exh. 11. At the time of incident her age was 17 years.

15] The cross-examination of the informant/victim indicates that she was arrested on 10/11/2014 in respect of crime no. 84/2014 and she married with Rajkumar Patil. She was acquitted in that case regarding abandoned the child. The accused came to Prashant's marriage, thereafter, communication had taken place between her and accused. The accused ranged to her and gave information to her regarding coming to her house. She had not disclosed to her parents that the accused came in night hours also and she had not disclosed regarding stopping menstrual cycle to her mother and she was pregnant and she was residing with her parents during pregnancy and she wandered in the village and in the relative even though she had not disclosed said fact to anybody.

16] The evidence of victim's mother(PW3) indicates that the victim is her daughter. She know the accused Sagar. They have family relation with the accused. When she came to know regarding pregnancy of the victim, that time she asked to her, that time she stated that she became pregnant from the accused. Thereafter, they asked to the accused that time he stated that he will marry with the victim, thereafter, he refused to marry with the victim and he had not performed marriage with the victim. The victim gave birth to the infant. She put up the said infant in the Kundi of Gobargas. Police Patil and other neighbours came to her house. Thereafter, the infant was admitted in the hospital. The

accused refused to marry with the victim, therefore, report was filed.

17] During her cross-examination, she admits that the accused visited to their house and she came to know regarding pregnancy of the victim in seventh month of pregnancy. She had not called anybody at the time of delivery of the victim. The evidence of victim's mother and victim is similar type. They had thrown the new born child.

18] The evidence of Rajashri Rajaram Dhone (PW2) at Exh.12 indicates that she is working as a Police Patil of village Shelpada since 2011. She know Sagar and Savita. On 02/11/2014 Nirmala Dhone came to her house at about 06.45 a.m. and stated that she heard the voice of crying of small infant behind her house near the Gobargas Plant. She went near the house of Nirmala. She saw in the Gobargas Kundi that one small female infant wrapping in plastic paper in nude condition and she born nearabout 6-7 hours, therefore, she had taken out the said infant and gave bath to the infant and clean her. She made enquiry in the vicinity, however, her mother was not found, therefore, she informed to the Vikramgad Police Station and Cottage Hospital, Vikramgad. Malwada P.H.C. Center's ambulance and doctor came who were brought by the police of Vikramgad. Thereafter, that infant was taken in the Cottage Hospital, Vikramgad. The FIR was registered against unknown person. That infant belongs to the

informant/victim. She made enquiry with the informant/victim, then she stated that the accused is the father of that infant.

19] The evidence of Vinod Balu Satve (PW4) indicates that he was working at Vikramgad Police Station as Police Naik in the year 2014-15. PSI Parad given the samples and letter of Crime No. 86/2014 which were received from the Medical Officer, Khandvi of Rural hospital, Vikramgad and he handover it to the C.A. Laboratory, Kalina, Mumbai. He obtained 'received' remark on the letter and that letter handover to the Investigating Officer.

20] The evidence of Haridas Rajaram Gavit (PW8) indicates that in the year 2014, he was attached to Vikramgad Police Station. The Investigating Officer handover the sample of Crime No. 84/2014 and also gave letter Exh. 55. He went to the C.A. Laboratory, Mumbai and deposited it and obtained remark of 'received'. He handover letter's copy to the Investigating Officer. On 23/01/2015 the Investigating Officer had given the samples of Crime No. 86/2014. He went to the C.A. Laboratory, Mumbai with said samples. The C.A. Laboratory, Mumbai had not accepted said samples due to lack of improper seal, thereafter, he returned the said sample to the Medical Officer Shri. Khandvi.

21] From the carrier's evidence it appears that they received samples and deposited in the C.A. Laboratory, Mumbai.

22] The evidence of the Investigating Officer Yohan Parhad (PW5) indicates that he was attached to the Vikramgad Police Station as a PSI. He had conducted the investigation of C.R.No. 86/2014. The victim filed the report to the police station. The FIR was registered under sections 376, 417 of the Indian Penal Code. P.S.O. registered the crime. He rushed to the spot and prepared spot panchanama (Exh. 23) in presence of pancachs. He gave the letter (Exh. 24) for the drawing the map of spot to the Tahasildar, Vikramgad. The Circle Officer submitted the map alongwith letter (Exh. 25). The map is at Exh. 26. The photographs (Exh. 20) of spot are produced alongwith chargesheet. He recorded statement of witnesses. He collected school leaving certificate of the victim. He gave letter (Exh. 27) to the J.M.F.C. Jawhar for recording statement u/s. 164 of the Cr.P.C. He sent letter (Exh. 28) to the Medical Officer, Vikramgad for medical examination of the accused. He gave letter (Exh. 29) to the C.A. Laboratory for getting the kits. He gave letters (Exh. 30 & 32) to the Medical Officer for medical examination of the accused whether he is fit for doing the sex. He collected report. He gave letters (Exh. 31 & 33) to the Medical Officer, Vikramgad for collecting DNA and blood samples. He sent letter (Exh. 34) to the C.A. Laboratory, Kalina, alongwith samples. He sent letter (Exh. 35) to the C.A. Laboratory, Kalina for DNA kits. He gave letter (Exh. 36) to the Gramsevak, Grampanchayat, Utawali. He gave letter (Exh. 37) to the school. He gave reminder letter (Exh. 38). He collected school leaving

extract. He collected C.A. Reports Exh. 39 & 40. The Medical Officer gave samples of blood and DNA in sealed condition and in the same condition, it were deposited in the C.A. Laboratory through carrier Police Constable Satvi. After completion of investigation, he filed a chargesheet.

23] During his cross-examination he admits that he had not personally collected samples from the Medical Officer and no medical examination of the victim taken place. He further admits that Rajashree Dhone (PW2) has not stated before him the accused was the father of the infant. From the evidence of the Investigating Officer it appears that he has not collected samples and he has not stated in respect of preserving samples. He has not collected identification form and chain custody form during the investigation. He has not sent the victim for medical examination. The prosecution has not produced any medical evidence in respect of delivery of the victim. Considering inconsistency in the evidence of the Investigating Officer one fact is clear that he completed the formality regarding investigation and submits charge-sheet and nothing more.

24] The evidence of the Shirkant Lade (PW9) indicates that he studied M.SC Bio-Chemistry. He was in service in the C.A. Laboratory, Kalina, Mumbai since 1990. He was working in DNA Department since 2007 till 2016. Their department received samples for analysis of Crime No.84/2014 registered at Vikramgad

Police Station under Section 317 r/w. 34 of the Indian Penal Code. They received blood sample of the informant/victim and her new born baby. That samples were in sealed condition and that was in the plastic container in sealed condition. That sample received on 10/11/2014. He started analysis the samples on same day i.e. 10/11/2014 and it was completed on 20/08/2015. On 27/01/2015 they received blood samples of the accused Sagar Jadhav. He started analysis the samples on same day i.e. 27/01/2015 and it was completed on 20/08/2015. He extract DNA sample of the victim i.e. Exh. 1, then, extracted DNA samples of the baby of the victim and thereafter extracted DNA samples of Sagar Jadhav. He amplify these DNA with the PCR (Polymerase Chain Reaction) amplification technique at 15 STR (Short Tandem Repeat) and gender specific amelogenin locus using PCR amplification technique. He has done DNA analysis of above mentioned samples by following steps :

- a) Extraction : He has extracted DNA from the blood sample using prep filer, express kit, and EZ 1.
- b) RTPCR and PCR amplification : The amplification of extracted DNA was carried out using identifiler kit.
- c) Capillary Electrophoresis and Data Interpretation : Said step was done for generating the DNA profile.

25] It has further come in his evidence that fifteen different genetic systems analyzed with the PCR, DNA of Sagar Ravindra

Jadhav in F.S.L.M.L. Case No. DNA-106/15 matched the obligate paternal alleles present in the DNA of Baby of the victim at all loci; similarly DNA of the victim matched the obligate maternal alleles present in the DNA of Baby of the victim at all loci. After analysis his opinion is Sagar Ravindra Jadhav in F.S.L.M.L. Case No. DNA-106/15 and the victim are concluded to be the biological parents of baby of the victim, therefore, he issued the certificate Exh. 57.

26] From the oral evidence of Shrikant Lade (PW9), it appears that he analysis the samples which received in his office and according to him, the accused is the biological father of the child. The evidence of the Carriers (PW4 & PW8) and Investigating Officer (PW5), indicates that the Investigating Officer sent the samples to C.A. Laboratory, Mumbai, however, there is no evidence in respect of collecting samples and handover to the C.A. Laboratory i.e. no identification form and chain custody form.

27] In the matter of **Nivrutti Nagorao Hange Vs. State of Maharashtra, 2024 ALL MR (Cri) 3445**, it is held that “Protocol required for collecting blood samples for DNA analysis found to be not followed. No explanation as to why blood samples of prosecutrix not collected in presence of witnesses”.

28] The prosecution should prove that the samples were properly collected and properly sealed and properly sent and properly preserved and properly analysis. The prosecution should

prove the chain and chain of custody regarding collection of samples and preservation and analysis.

29] In this case the prosecution has not examined the medical officer or any witness who collected the samples of the victim as well as the accused. The prosecution has not produced identification form, chain custody form regarding samples. In absence of evidence to that effect, mere examination of the C.A. the evidence of the prosecution is not believable one.

30] The evidence of the victim indicates that the accused always visited the house of the informant/victim. There were love affairs between the informant/victim and accused. There were consensual relation between the informant/victim and accused. The informant/victim had not disclosed regarding pregnancy and sexual act to villagers or any relatives.

31] The Ld. Advocate of the accused relied on the matter of **State of Maharashtra Vs. Vishnu Tulshiram Karwate, 2021 ALL MR (Cri) 277** wherein it is held that “The prosecution has not proved dishonest and fraudulent intention of accused not to marry prosecutrix since beginning, also not proved”.

32] In this case the prosecution has not brought on record any evidence to show that the accused was married person when the promise of marriage was given and first time sex was taken place between the victim and accused. In the report, the victim

stated that she came to know in respect of marriage of the accused, however, there is no evidence to that effect. The prosecution has not brought on record strong evidence to show that the accused was already married even though he gave promise of marriage and thereafter, sexual act had taken place between the victim and accused. The prosecution has not proved fraudulent act of the accused.

33] The conduct of the victim (PW1) and her mother (PW2) clearly indicates that they concealed the pregnancy. The offence was registered against the victim, thereafter, the victim filed the present report. Therefore, reasonable doubt is create in the testimony of the victim as well as the prosecution case. The victim's evidence is not trustworthy. The Investigating Officer have not properly collected samples and no documentation in respect of preservation and there are lacuna in the prosecution evidence. Considering overall evidence of the prosecution, it is crystal clear that the prosecution has failed to prove its case. Hence, answer of point no. 1 to 4 as not proved. Resultantly, the following order is passed.

ORDER

1. Accused **Sagar Ravindra Jadhav** is hereby acquitted for the offences punishable under Sections 376(2)(n), 417 of the Indian Penal Code and Sections 4 & 6 of The Protection of Children from Sexual Offences Act, 2012 vide Section 235(1) of the Code of Criminal Procedure.

2. His bail bonds stand cancelled and he be set at liberty.
3. The muddemal property if any be destroyed after appeal period is over.
4. The accused shall furnish P.B. & S.B. of Rs.15,000/- (Rupees Fifteen thousand only) for next period of six months as required under section 437(A) of the Code of Criminal Procedure, 1973.

Pronounced in open court.

Bhiwandi.
Dt.06/08/2026.

(N. K. Karande)
Special Judge (P.O.C.S.O.) &
Additional Sessions Judge-2,
Bhiwandi.