

Received on - 14.10.2022.

Registered on - 14.10.2022.

Decided on - 22.12.2025.

Duration - 03 Y 02M, 08 D

MHSO050016682022			IN THE SPECIAL COURT (POCSO), PANDHARPUR Presided over by : Shri. A.S. Salgar. (Special Judge (POCSO)) Date of the Judgment – 22.12.2025 Special (POCSO) Case No. 79/2022 Exh. 30.
			FIR No. 536/2022 of Pandharpur Taluka Police Station, Tal. Pandharpur, Dist. Solapur
COMPLAINANT	:	State of Maharashtra	
REPRESENTED BY	:	Shri. S. V. Wangikar, Learned APP	
ACCUSED	:	Chetan Anil Shinde.	
REPRESENTED BY	:	Adv. Shri. A. K. Dharurkar	

Date of Offence	Prior to 1 year of 20.08.2022
Date of FIR	21.08.2022.
Date of Charge-sheet	14.10.2022.
Date of Framing of Charge	15.06.2024.
Date of commencement of evidence	17.12.2025.
Date on which judgment is reserved	22.12.2025.
Date of the Judgment	22.12.2025.
Date of the Sentencing Order, if any	None.

Accused Details

Rank of the Accused	Name of the 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	Chetan Anil Shinde, Age – 21 years, Occu. Labour, R/o. - Shegaon Dumala, Tq. Pandharpur, Dist. Solapur.	21.08.2022.	07.03.2023.	376 (3), 354-A, of IPC & U/s 4, 8, 12 r.w. 42 of POCSO Act.	Acquitted	--	

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**A. Prosecution :**

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Informant	26	Mother of victim.
PW-2	Victim	27	Victim.
PW-3	Aadinath Mahadeo Kharat	10	Investigating Officer.

B. Defence Witnesses, if any :

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

C. Court Witnesses, if any :

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

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit Number	Description
1	08	Spot panchnama.
2	11	Complaint.
3	12	Portion mark 'A' in the complaint.
4	13	Portion mark 'B' in the statement of victim.
5	14	Birth certificate of victim.
6	15	Portion mark 'A' in the supplementary statement of victim.
7	16	Letter sent by I.O. to medical officer for examination of victim.
8	17	Letter sent by I.O. to Superintendent of Police for obtaining SDR and CDR of accused and victim.
9	18	Letter sent by I.O. to Court for additions of sections 376-DA of IPC and 4 of POCSO Act.
10	19	Letter sent by I.O. to JMFC Court for recording statement of victim u/s 164 of Cr.PC.
11	20	Letter sent by I.O. to Chemical Analyzer for examination of muddemal.

B. Defence :

Sr. No.	Exhibit Number Admitted by Defence	Description
1	9	Medico Legal Examination Report of Sexual Violence

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	3	Charge

D. Material Objects :

Sr. No.	Exhibit Number	Description
1	28	Statement u/sec.313 of Cr.P.C.

JUDGMENT

(Delivered on 22.12.2025)

(In view of directions and guidelines of the Hon'ble Apex Court in Nipun Saxena and another Vs. Union of India and other, (2019) 2 SCC 703, the identification of victim, her relatives, key witnesses and their addresses have been not disclosed in this judgment.)

01. The accused is prosecuted for the offences punishable under Sections 376 (3), 354-A of the Indian Penal Code and under Sec. 4, 8 and 12 r.w. 42 of the Protection of Children from Sexual Offences Act, 2012.

Brief facts of the prosecution case is as under :

02. The mother of victim girl lodged report on 21.08.2022, at Pandharpur Taluka Police Station, alleging therein that, she resides with her husband, victim aged 15 years and son. Accused resides near from their house. Prior to one year of incident, accused was staring towards victim. Therefore, they have given understanding to accused for not staring at victim. However again on prior to 2 months of incident, she found accused stares at victim. Again they scolded accused. She got suspicion on the behaviour of victim. On 20.08.2022 informant found

one mobile with victim. Victim informed to her mother that, said mobile is given by accused. Further victim informed that, on the pretext of marriage accused was getting close to her. On 16.08.2022 accused had come to their house, pressed her breast and outraged her modesty. During investigation, it is revealed that, on the pretext of marriage 4 to 5 times accused forcibly committed penetrative sexual assault with victim. Therefore, informant lodged report.

03. On the basis of said report Pandharpur taluka police station registered offence punishable under Sec. 376 (3), 354A of the Indian Penal Code and under sec. 4, 8, 12 r.w. 42 of the POCSO.

04. During the course of investigation, the investigating officer recorded statements of witnesses and also drawn spot panchanama. The I.O. also drawn seizure panchanama and arrested the accused under arrest panchanama. After completion of investigation, the investigating officer submitted charge-sheet against the accused

05. My learned predecessor has framed charge (Exh. 3) against the accused for the offences punishable under Section 376 (3), 354A of the Indian Penal Code and u/s 4, 8, 12 r.w. 42 of POCSO Act. The contents of charge were read over and explained to the accused in vernacular in Marathi. He has pleaded not guilty and claimed to be tried.

06. To prove the guilt of accused, the prosecution has examined in all three witnesses and relied on number of documents as mentioned above in concerned charts.

07. The statement under Sec. 313 of Cr.p.c. of accused is recorded at Exh. 28. The defence of the accused is of total denial and alleged that he has been falsely implicated in the case.

08. After going through the prosecution case and evidence on record, following points arises for my determination and I have recorded my findings against them for the reasons stated below.

Sr. No.	POINTS	FINDINGS
01.	Whether the prosecution proved that accused on 20.08.2022 at about 6.00am, at complainant's residential house at Pandharpur, though had knowledge that, the victim was minor girl, lured her into the net of his love and lured her into marriage and going to victim's house accused kissed her and pressed her chest and making feel ashamed to victim. Also accused three to four times raped on victim by keeping sexual relations with her against her will and consent and thereby committed an offence punishable u/s 376 (3) of the Indian Penal Code ?	In the negative
02.	Does prosecution prove that on aforesaid period and place the accused assaulted the victim, a minor girl intending to outrage her modesty by physical contact and explicit sexual overtures and thereby committed an offence punishable u/s 354A of the Indian Penal Code ?	In the negative
03.	Does prosecution prove that on aforesaid period and place, accused committed penetrative sexual assault upon a minor victim girl and thereby committed an offence punishable u/s 4 r.w. 42 of the Protection of Children from Sexual Offences Act, 2012 ?	In the negative

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|--|----------------------------|
| 04. Does prosecution prove that on aforesaid period and place, accused touched the victim, a minor girl with sexual intent and committed sexual assault and thereby committed an offence punishable u/s 8 r.w. 42 of the Protection of Children from Sexual Offences Act, 2012 ? | In the negative |
| 05. Does prosecution prove that on aforesaid period and place accused sexually harassed the victim, a minor girl and thereby committed an offence punishable u/s 12 r.w. 42 of the Protection of Children from Sexual Offences Act, 2012 ? | In the negative |
| 06. What order | As per final Order. |

REASONS

09. Heard learned APP Shri. S. V. Wangikar for the prosecution and learned advocate Shri. Dharurkar for the accused.

As to point No. 1 to 5 -

10. All these points are inter connected to each other and hence, they are taken together for discussions.

11. It is the case of prosecution that, the accused outraged modesty of victim, committed repeatedly rape on her and committed penetrative sexual assault upon her. To prove offences against the accused, the prosecution has examined in all three witnesses.

12. PW-1 is mother of victim. She deposed that, in the year 2022 victim was 13 years old. Further she deposed that, accused was not

doing anything with victim. She deposed that, it did not occur that, accused had given mobile to victim. It did not occur that, accused was staring at victim and trying to be close with victim on the pretext of marriage. PW-1 deposed that, it did not occur that, on 06.08.2022 when she was not at home, accused came to their home and outraged modesty of victim.

13. As PW-1 was not supporting prosecution, with the permission of Court, Ld. APP asked leading questions to the PW-1. However in vain. PW-1 denied all suggestions given by Ld. APP. She denied that, accused had given mobile to victim. She denied that, on 06.08.2022 when she was not at home, accused came to their home and outraged modesty of victim. Further PW-1 informant even denied that, on 21.08.2022 she had given complaint against the accused at Pandharpur Taluka Police station. She denied that, complaint bears her thumb impression. She specifically denied that, victim had informed her that, three to four times accused forcibly committed rape on her. She denied entire contents of portion mark 'A' in her complaint. Thus, it is clear that, P.W. No. 1 has not stated any incriminating circumstances against accused. She has not supported prosecution case. Hence, her evidence is not helpful for prosecution.

14. PW-2 is victim herself. However she has not also supported to prosecution. She deposed that, her date of birth is 16.08.2007. It did not occur that, accused had given mobile to her. It did not occur that,

accused was staring at her and trying to be close with her on the pretext of marriage. PW-2 deposed that, it did not occur that, on 06.08.2022 accused came to their home and outraged her modesty.

15. As PW-2 was not supporting prosecution, with the permission of Court, Ld. APP asked leading questions to the PW-2. However Ld. APP failed to bring anything incriminating against the accused. PW-2 victim denied that, accused was chatting with her on mobile. She denied that, on 16.08.2022 on the pretext of marriage accused made physical relations with her. She specifically denied that, portions marks 'B' in her statement was told by her to police. Also she denied that, in her supplementary statement she had told police that, on the pretext of marriage accused made physical relations with her and portion mark 'C' in her supplementary statement was told by her to the police.

16. Further PW-2 victim denied that, on 26.08.2022 Magistrate had recorded her statement u/s 164 of Cr.P.C. However she admitted said statement bears her signature. But she denied that, contents of said statement was told by her. She admitted that, out of Court compromise is held between them and accused. Thus, it is clear that, PW. No. 2 has not stated any incriminating circumstances against accused. She has not supported prosecution case. Hence, her evidence is not helpful for prosecution.

17. PW-3 Kharat is investigation officer. He has deposed about

course of his investigation. He deposed that, during the investigation of crime No. 536/2022 he prepared spot panchnama Exh. 8. Complaint Exh. 11 was recorded by PSI Bodhe and portion mark A (Exh. 12) was told by complainant in it. Also PSI Bodhe had recorded statement of victim and victim had stated portion mark B in her statement. Further he deposed that, he collected birth certificate of victim. He recorded supplementary statement of victim. In said statement victim had stated portion mark 'A'. He sent letter Exh. 16 to medical officer for examination of victim, letter Exh. 17 for getting SDR and CDR of victim and accused, letter Exh. 18 to Court for adding Sec. 4 of POCSO Act and 376DA of IPC, letter Exh. 19 to Magistrate for recording statement of victim u/s 164 of Cr.P.C. and letter Exh. 20 for Chemical Analysis. In cross examination PW-3 I.O. denied all the suggestions given by defence Advocate. The evidence of P.W. No. 3 is formal in nature. He conducted routine investigation of crime. There is no corroborative evidence to his version. Hence, his evidence is not helpful for prosecution.

18. On perusal of available evidence on record, it reveals that, important witnesses PW-1 mother of victim and PW-2 victim herself have not supported prosecution. They have denied that, accused outraged modesty of victim or committed rape with victim on the pretext of marriage. Therefore, there is no evidence to prove charges against the accused. Evidence of PW-3 I.O. is of formal kind. Medico Legal Examination Report of Sexual Violence Exh. 9 of victim also does not show any forcible sexual assault had been committed on victim.

19. Thus, material witness examined by the prosecution have not stated the incriminating circumstances against the accused. The prosecution has not examined any other independent witness. Non-examination of independent witnesses is fatal to the prosecution case. In present case, there is absolutely no evidence on record to show that the accused outraged modesty of victim and committed sexual assault on her. There is absolutely no evidence to show that accused committed penetrative sexual assault on victim and committed rape on her. There is no evidence to show that, accused sexually harassed victim and outraged her modesty. The prosecution has not proved the ingredients of Sec. 376 (3), 354A of the Indian Penal Code and u/s 4, 6 and 8 rw 42 of POCSO Act. Hence, I answer to point Nos. 1 to 5 in the negative.

20. In the light of aforesaid discussion, it is concluded that the prosecution has not brought cogent evidence to prove that the accused committed the aforesaid offences against the victim. The prosecution has not proved the guilt of accused. Hence, the accused is entitled to be acquitted. Hence, I proceed to pass following order.

ORDER

01. The accused namely Chetan Anil Shinde, R/o Shegaon Dumala, Tal. Pandharpur, Dist. Solapur is hereby acquitted of the offences punishable under Section 376 (3), 354A of the Indian Penal Code and u/s 4, 8, 12 rw 42 vide Section 258(1) of BNSS (Sec.235(1) of Cr.P.C.) in connection with Crime No. 536/2022 registered with Pandharupur Taluka Police Station.

02. His bail bond stands cancelled and surety discharged.
03. The accused shall execute the bail bond of Rs. 15,000/- (Rs. Fifteen Thousand) with surety of like amount which to appear before the Appellate Court as and when the Court issues notice in respect of appeal or petition against the judgment vide Section 481 of BNSS.
04. As there is no muddemal, any order regarding muddemal is not passed.
05. As the matter is disposed of by this judgment, the record and proceeding be sent to the Record Department.

(Dictated and pronounced in the open Court)

Date – 22.12.2025

(A. S. Salgar)
Additional Sessions Judge, Pandharpur

CERTIFICATE

I affirm that, the contents of this PDF file are same word to word as per the original.

01. Name of the Stenographer - Santosh Vilas Ghongade.
02. Name of the Court - Court of Dist. Judge 02, Pandhapur.
03. Order/judgment signed by P.O. on - 29.12.2025.
04. Order /Judgment uploaded on - 29.12.2025.

