



Date of Registration	08.07.2025
Date of Decision	17.03.2026
Duration	0Y 8M 8D

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE &
SPECIAL JUDGE (POCSO), PANCHMAHALS AT HALOL**

SPECIAL POCSO CASE NO. 27 OF 2025

[FIR bearing C.R.No.11207050250187/2025 Registered with Pavagadh Police Station, dated 19.05.2025, for the offences punishable u/s. 74, 75(2), 75(3), 76, 352 of the Bharatiya Nyaya Sanhita (“**B.N.S.**”) and u/s. 12 of the Protection of Children from Sexual Offences Act, 2012]

STATE OF GUJARAT)

Represented by: Ld. Addl. Public Prosecutor)
Ms. L. R. Sheth.)

COMPLAINANT

VERSUS

RAVIRAJ DILIPBHAI NAYAK)

Age : 31 Years, Occu. : Driving,)
Resident of Arad,)
Ta.Halol, Dist.Panchmahal.)

ACCUSED

Appearances :-

Ms. L. R. Sheth, learned APP for the State.

Mr. K. D. Malek, learned Advocate for the Accused.

JUDGMENT

(DATED 17.3.2026)

Form B

DATE OF OFFENCE	18.05.2025
DATE OF FIR	19.05.2025
DATE OF CHARGE-SHEET	08.07.2025
DATE OF FRAMING OF CHARGE	31.07.2025
DATE OF COMMENCEMENT OF EVIDENCE	19.08.2025
DATE ON WHICH JUDGMENT IS RESERVED	17.03.2026
DATE OF THE JUDGMENT	17.03.2026
DATE OF THE SENTENCING ORDER, IF ANY	-

Accused Details

Sr. No.	Accused	Date of Arrest	Date of Release on Bail	Offence Charged	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone
1	RAVIRAJ DILIP BHAI NAYAK	19.05.25	17.07.25	Sec. 74, 75(2), 75(3), 76, 352 of the B.N.S. and u/s. 12 of the POCSO Act.	Acquitted	-	1 Month 29 Days

Form C

(List of Witnesses)

Prosecution Witness

PW	Name	Nature of Evidence
1	Victim Girl (Exh.09)	Witness
2	Mother of the victim (Exh.11)	Witness
3	Father of the victim (Exh.13)	Witness (Complainant)
4	Sunitaben Mangalsinh Ravat (Exh.15)	Talati-cum-Mantri, Arad Gram Panchayat, Ta.Ghoghamba
5	Dr.Amitranjan Motilal Chaudhary (Exh.20)	Medical Officer, Referral Hospital, Halol
6	Dr.Nilam Uday Prakash (Exh.30)	Gynaecologist, Referral Hospital, Halol
7	Vipulkumar Rajeshbhai Dama (Exh.32)	Police sub Inspector, Pavagadh Police Station
8	Rajdeepsinh Jashubha Jadeja (Exh.48)	Police Inspector, Pavagadh Police Station

1. Defence Witness

PW	Name	Nature of Evidence
-	-	-

(List of Exhibits)

Prosecution Exhibits

SR	Exh.	Description
1	10	Statement of the victim u/s.183 of the B.N.S.S. before the Additional Senior Civil Judge and Chief Judicial Magistrate, Halol
2	12	Consent Letter given by the mother of the victim for medical examination of the victim
3	14	Complaint
4	16	Birth Certificate of the victim issued by the Talati-cum-Mantri, Arad Gram Panchayat, Ta.Halol, Dist.Panchmahal
5	17	Yadi regarding Birth Certificate of the victim written by the Talati-cum-Mantri, Arad Gram Panchayat to the Police Inspector, Pavagadh Police Station
6	18	Extract of Birth Register of the victim issued by the Talati-cum-Mantri, Arad Gram Panchayat, Ta.Halol, Dist.Panchmahal
7	19	Yadi written by the Police Inspector, Pavagadh Police Station to the Talati-cum-Mantri, Arad Gram Panchayat regarding verification of the Birth Certificate of the victim
8	21	Yadi written by the Police Inspector, Pavagadh Police Station to the Medical Officer, Referral Hospital and C.H.C., Halol for medical examination and issuing certificate of the victim
9	22	Original Case Papers of the victim issued by the Medical Officer, Referral Hospital and C.H.C., Halol
10	23	MLC of the victim

11	24	Yadi written by the Police Inspector, Pavagadh Police Station to the Medical Officer, Referral Hospital and C.H.C., Halol for medical examination, collecting samples and issuing certificate of the accused
12	25	Original Case Papers of the accused issued by the Medical Officer, Referral Hospital and C.H.C., Halol
13	26	MLC of the accused
14	27	Panchnama of the place of the offence
15	28	Panchnama of the clothes of the accused
16	29	Panchnama of the clothes of the victim
17	31	MLC issued by the Gynaecologist, Referral Hospital and C.H.C., Halol
18	33	Yadi written by the Police Inspector, Pavagadh Police Station to the City Survey Superintendent, Panchmahal at Godhra for allotting two Government Panchas
19	34	Yadi written by the City Survey Superintendent, Panchmahal at Godhra to the Police Inspector, Pavagadh Police Station for allotting two Government Panchas
20	35	Certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhinyam given by the P.S.I., Pavagadh Police Station
21	36	Certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhinyam given by the P.S.I., Pavagadh Police Station
22	37	Certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhinyam given by the P.S.I., Pavagadh Police Station
23	38	Spot Inspection Report issued by the Directorate of Forensic Science, Gandhinagar

24	39	Ravangi Patrak and Authority Certificate
25	40	Acknowledgment Letter of the FSL, Vadodara regarding receiving muddamal
26	41	Panch slip
27	42	Panch slip
28	43	Panch slip
29	44	Panch slip
30	45	Panch slip
31	46	Panch slip
32	47	Panch slip
33	47	Forwarding Letter issued by the FSL, Vadodara
34	48	Biology and Serology Report issued by the FSL, Vadodara
35	49	Suchipatra
36	50	Consent Letter given by the father of the victim for medical examination of the victim
37	51	Consent Letter given by the victim for her medical examination
38	52	Certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhinyam given by the P.S.I., Pavagadh Police Station

1. Defence Exhibits

Sr. No.	Exh.	Description
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(Material Objects)

Sr. No.	Muddamal	Description
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JUDGMENT

- 1 An FIR bearing C.R.No.11207050250187/2025 dated 19.05.2025 came to be lodged with Pavagadh Police Station against the present accused for having committed offences punishable under Sections 74, 75(2), 75(3), 76, 352 of the Bharatiya Nyaya Sanhita ("B.N.S.") and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act").

Gravamen of the FIR

- 2 Gravamen of the FIR is as under :

The FIR is lodged by the father of the victim on 19.05.2025. It is alleged that the victim was aged 16 years and 27 days on the date of incident and her date of birth is stated to be 21.04.2009. It is alleged that on 18.05.2025, at around 4 o'clock in the evening, when the complainant went to his hut near the school at that time he heard the Victim's shouts coming from the room. It is alleged that when he opened the door of the room at that time the present accused pushed him and left his motorcycle and escaped. It is alleged that at that time the victim was wearing her clothes and hence the complainant went out at the room. Thereafter upon inquiring from the victim she informed that "at around quarter to four when she was sitting on the patio, the accused came on the motorcycle and inquired from her about her parents. Pursuant thereto, she informed him that her mother is in the field and her father has gone for a marriage and both of her brothers were playing. Thereafter the accused abused her and forcibly took her inside a room of the school, where he forcibly

stripped her and also removed his own clothes. In the meanwhile, upon coming to know that the complainant has arrived, the Accused wore his clothes, and when the complainant opening the door, he pushed past him and escaped.” Pursuant to the aforesaid information revealed by the victim, the wife of the complainant called Police 181. Thereafter they came to the Police Station. It was alleged that as the accused was their relative, they left from the Police Station with a view to confront and discuss with their community members. Thereafter on the next day the Complainant, along with his community members, again went to the Police Station and lodged the present FIR. Under the circumstances, present FIR came to be lodged.

INVESTIGATION

- 3** Pursuant to the registration of the FIR, investigation was conducted by the Police. During the course of investigation, the present accused was arrested by the Police. The statement of the victim was recorded and even her statement under Section 183 of the B.N.S.S. was got recorded. It further appears from the record that Panchnamas of Place of Incident was drawn by the Police. The victim was got examined by medical practitioner. Necessary recovery was made by the Police. At the conclusion of the investigation, since sufficient evidence was found against the accused, the Police filed charge-sheet against the accused before the Special POCSO Court for having committed offences punishable under Sections 74, 75(2), 75(3), 76, 352 of the B.N.S. and under Section 12 of the POCSO Act.

CHARGE-SHEET

- 4 Pursuant to the filing of the charge-sheet, Spl. POCSO Case No.27/2025 came to be registered. Thereafter, process was issued upon the accused, pursuant to which, the accused appeared before the Court and engaged his Lawyer. Charge-Sheet papers were made available to the accused as per the provisions of Section 207 of the Criminal Procedure Code.

CHARGE & PLEA

- 5 This Court finding sufficient material to frame charge against the accused, was pleased to frame the following charge vide Exhibit-06 against the accused.

:: તહોમતનામુ ::

"હું વિવેક નરેન્દ્ર મપારા, એડીશનલ સેસન્સ જજ અને સ્પેશ્યલ જજ(પોકસો), હાલોલ આથી તમો આરોપી રવિરાજ દિલીપભાઈ નાયક, ઉ.વ.આ.૩૧, ઇંધો:ડાઈવીંગ, રહે.અરાદ, તા.હાલોલ, જિ.પંચમહાલનાઓ સામે નીચે લખ્યા મુજબ તહોમતનામુ ફરમાવુ છું કે,

તમો આરોપી એ તા.૧૮/૫/૨૦૨૫ ના કલાક ૧૬:૦૦ વાગે મોજે અરાદ ગામે આ કામના ફરિયાદીની સગીર વયની દિકરી, ઉ.વ.આ.૧૬ વર્ષ ૨૭ દિવસની સ્કુલમા આવેલ ઝુપડાની આગળ બાકડા ઉપર એકલી બેઠેલ હોય તે વખતે તમો આરોપી આવી, ઝુપડામા કોઈ હાજર ન હોય, ફરિયાદીની સગીર વયની છોકરીને મા-બેન સમાણી ગાળો બોલી, હાથ પકડી બળજબરીથી સ્કુલના રુમમા લઈ જઈ, તેણીની આબરુ લેવાના ઈશદાથી બળજબરીથી તેણીને નિર્વસ્ત્ર કરી, ગુનાહિત બળ વાપરી જાતિય સતામણી કરી તમોએ બી.એન.એસ.ની. કલમ-૭૪, ૭૫(૨), ૭૫(૩), ૭૬, ૩૫૨ તથા પોકસો એક્ટની કલમ-૧૨ મુજબનો સજાને પાત્ર ગુનો આ અદાલતની હકુમતમા કરેલ છે.

આથી હું આદેશ કરું છું કે, તમારી સામે સદરહું ગુનાની ઈન્સાફી કાર્યવાહી અત્રેની કોર્ટે કરવી."

- 6 To the aforesaid charge, plea of accused was recorded vide Exhibit-07. The accused pleaded not guilty and demanded to be tried.

EVIDENCE AT THE TRIAL

7 Pursuant thereto, the trial commenced wherein the prosecution examined the witnesses and produced the list of documentary evidence as narrated in Schedule reproduced herein above. Gist of oral evidence produced by the prosecution can be summarized as under :-

- (a) **PW-1 Victim (Exh.09)** : Victim stated that on the date of incident when she was sitting on the patio, at that time the accused came near her and inquired about her parents. Pursuant thereto Victim informed him that her father had gone for marriage and mother is in the Field. At that time her father had arrived and there was some scuffle between them. Victim stated that her father assumed the accused had done something wrong with her, and hence out of fury he filed the present FIR. Victim stated that he had handed over her clothes to the Police. Victim denied the accused having abused her and having forcibly taken into the room and stripped her. Victim did not support the prosecution case and she was declared hostile. Victim resiled from her previous statement made before the Police. **In cross-examination by the Defense**, victim admitted that on the date of incident it was holiday and the school was closed and its keys were with Principal. She further admitted that near the school there are many residential houses. Victim further admitted that she had not given any history before the Doctor. Victim further denied the alleged incident having occurred with her. Victim further admitted that she had also not informed about any incident to her father.

(b) **PW-2 Mother of the Victim (Exh.11)** : Witness is the mother of the victim. Witness stated that the victim was born at Arad Village and she was aged 16 years. Witness stated that on the date of incident at around quarter to five when she returned home at that time the victim was crying and upon inquiring she informed that at around 12 o'clock, her father had gone for marriage and both the brothers were playing and she was sitting on the desk, however, thereafter she did not inform anything to her. Witness stated that thereafter she called 181 because her husband had scuffled, but she does not know with whom he had scuffle. Witness did not support the prosecution case and she was declared hostile. Witness resiled from her previous statement made before the Police. **In cross-examination by the Defense**, witness admitted that she was married before 22 years and two years later the victim was born and she was born at home. Witness admitted that at the school they had only given their names and the date of birth was written by the Principal himself. Witness admitted that she has no personal information about the incident and she had no conversation with the victim in this regards.

(c) **PW-3 Father of the Victim (Exh.13)** : Witness is the father of the victim. Witness stated that he does not remember victim's date of birth. Witness further stated that on the date of incident at around 4 o'clock when he returned home the accused was playing with the victim and hence he assumed that Accused was doing some bad thing with her and hence he lodged the FIR. Witness stated that her wife had called 181 and thereafter he had left and and he does not know what had

happened. Witness stated that he had signed the FIR. Witness stated that the victim was shouting, but he does not know why she was shouting and he is not aware that the accused had abused the victim. Witness does not support the prosecution case and he was declared hostile. Witness was confronted with the contents of the FIR which the witness admitted of giving before the Police. **In cross-examination by the Defense**, witness admitted that he was married before 22 years and in the second year after marriage the victim was born at home. Witness admitted that he is not aware who got the victim's date of birth registered. Witness admitted that he has no personal information about the incident and he had no conversation with the victim. Witness admitted that at the Police Station he was sitting outside and his community members had lodged the FIR.

- (d) **PW-4 Sunitaben Mangalsinh Ravat (Exh.15)** : Witness is the Talati-cum-Mantri. He produced the Birth Register as per which the victim's date of birth is stated to be 21.04.2009 registered serial No.11. **In cross-examination by the Defense**, witness admitted that he had not registered the birth of the victim. Witness admitted that on the basis of oral information of the father victim the date of birth was registered. Witness admitted that there is no endorsement that such information was verified.
- (e) **PW-5 Dr.Amitranjan Motilal Chaudhary (Exh.20)** : Witness is the Medical Officer. Witness testified that he had recorded the history of the victim and had examined her. Witness stated that secondary sexual characters of the victim were developed.

Witness stated that he had also examined the accused and also recorded his history. Witness stated that victim had abrasion injury of 2*1 Centimeter on her elbow and except that no injury was found. **In cross-examination by the Defense**, witness admitted that he had not mentioned how old was the said injury and how the injury was sustained. He further admitted that such injury could be sustained by walking and colliding with hard object. Witness admitted that victim had not informed that any rape was committed upon her.

- (f) **PW-6 Dr.Nilam Uday Prakash (Exh.30)** : Witness is the Medical Officer, who had examined the victim. Witness stated that the victim had narrated history before him of being stripped by the accused. Witness stated that there were no injuries on her private parts and her hymen was intact. Witness opined that no intercourse was committed on the victim. **In cross-examination by the Defense**, witness admitted that there were no signs of injury or force upon the victim.
- (g) **PW-7 Vipulkumar Rajeshbhai Dama (Exh.32)** : Witness is the Investigating Officer. Witness stated that he had procured the Birth Certificate of the victim and also conducted Panchnama. Witness testified other investigation work conducted by him. **In cross-examination by the Defense**, witness denied the suggested questions put by the defense.
- (h) **PW-8 Rajdeepsinh Jashubha Jadeja (Exh.48)** : Witness is the Investigating Officer. Witness stated that he had got the FIR registered and he had also arrested the accused. Witness also send the victim for medical examination and also recorded her statement. Witness stated the had also sent the samples for

biological examination. Witness further testified the statements given by the witnesses before him. **In cross-examination by the Defense**, witness admitted that he had not conducted the entire investigation. Witness further admitted that FIR was delayed by one day. Witness further admitted that the FIR was lodged after consultation with the community members. Witness further admitted that on the date of incident there was holiday in the school. Witness further admitted that it was not revealed in the FIR that the school keys were with whom and how the the school's room was opened. Witness admitted that he had not recorded the statement of any employee of the school. Witness further admitted that on 18.05.2025, 181 was called, but he has not recorded any statement of officers.

FURTHER STATEMENT OF THE ACCUSED

- 8 Upon closure of the prosecution evidence, further statement of the Accused was recorded, wherein the defence of the Accused was denial. Accused stated that he is innocent, he has not committed such offence. Accused chose not to lead any evidence in support of his defence.

ARGUMENTS OF LD. APP

- 9 Ld. APP has argued that since the victim is proved to be minor on the date of incident, offense under POCSO Act would still be applicable. It is submitted that incident is proved through circumstantial evidence. Hence, it is submitted that on the basis of such evidence, the case against the accused is proved beyond reasonable doubt. Hence, it is prayed that the accused be held guilty as alleged.

ARGUMENTS OF THE LD. ADVOCATE FOR THE ACCUSED

10 *Per contra*, Ld. Advocate for the Accused has submitted that the victim has turned hostile and has not supported the prosecution case. It is submitted that in absence of testimony of the prime witness, all other evidence becomes secondary in nature and cannot form the basis of conviction. Hence, it is submitted that the accused be held innocent and be acquitted from the offence as alleged.

ISSUES FOR CONSIDERATION

11 Heard learned Advocates for the parties and perused the case record. Considering the same, the following issues arise for my consideration:

A) Whether the prosecution proves beyond reasonable doubt that the victim was minor on the date of incident?

(IN NEGATIVE)

B) Whether the prosecution proves beyond reasonable doubt that on the date of incident, the accused took the victim inside the room of the school, where he forcibly stripped the victim and removed his own cloths, however, as the complainant arrived, he wore his clothes and left?

(IN NEGATIVE)

C) Whether the prosecution proves beyond reasonable doubt that the accused committed offences punishable under Sections 74, 75(2), 75(3), 76, 352 of the Bharatiya Nyaya Sanhita and under Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012?

(IN NEGATIVE)

D) What final order?

(AS PER FINAL ORDER)

ANALYSIS

12 Now, it is the case of the prosecution that when the victim was sitting on the patio outside the school at that time the accused, who happens to be her relative, came near her and inquired about the whereabouts of her parents. Thereafter the accused started abusing the victim and he forcibly took her inside the room of the school, where the Accused forcible stripped the Victim and also removed his own clothes and in the meanwhile as the father of the victim i.e. Complainant arrived, the accused hurriedly wore his clothes and left. It is further alleged that on the same day 181 was called, but no complaint was lodged on that day and thereafter on the next day, the present FIR came to be lodged.

13 It is the prosecution case that the victim was aged 16 years and 27 days on the date of incident and her date of birth is stated to be 21.04.2009. The prosecution has examined Talati-cum-Mantri as PW-4, who testified that as per the Birth Register, victim's date of birth is 21.04.2009, however, he admitted that he had not registered the birth of the victim and her date of birth was registered on the basis of oral information of her father. Thus, the victim's date of birth is mentioned in the Birth Register as per the oral information given by the father of the victim, however, in this regards, if we peruse the testimony of the father of the victim (PW-3), he stated that he does not remember the date of birth of the victim. Similarly, the mother of the victim (PW-2) also failed to state the exact dater of birth of the victim. Thus, the contents of the Birth Certificate are not proved by the prosecution.

14 In cohesion with the above if we further peruse the testimony of the mother of the victim (PW-2), she admitted that she was married before 22 years and in the second year of her marriage the victim was born. Similarly, the father of the victim also admitted that he was married before 22 years and in the second year of marriage, the victim was born. Thus, on the date of incident the victim cannot be said to be at least below 18 years on the date of incident. In such situation, it cannot be said that the prosecution proves beyond reasonable doubt that the victim was minor on the date of incident and hence, I answer the said issue **“In Negative”**.

15 The prosecution’s case is that the accused took the victim inside the room of the school, where he stripped the Victim and also removed his clothes, however, as the complainant arrived, he wore his clothes and left. Now, in this regards, if we peruse the testimony of the Victim, then victim has turned hostile and has not supported the prosecution case. Similarly, the father of the victim also stated that he only assumed that the accused would have done something wrong with the victim hence, the FIR was lodged. The father of the victim has also turned hostile and has not supported the prosecution case. Similarly, the mother of the victim has also not supported the prosecution case and has turned hostile. Thus all the prime prosecution witness has turned hostile and not supported the prosecution case. Moreover, there is no other independent evidence on record to prove the alleged incident. There are no other eye-witnesses to the alleged accident. Hence, prosecution case fails on this alone.

- 16 It is further pertinent to note that Police had not recorded the statement of any employee of the school. More pertinently, it is come on record that on the date of incident there was holiday in the school. The school keys are with the principle. Hence, how the accused managed to pull the victim inside the School Room is not clear. With whom the keys of the room were, and how the school room was opened on a holiday is not clear and not coming on record. No investigation on this line is conducted. It further appears that the accused is the relative of the complainant and the complaint was filed after consultation with community members after one day. Thus, what appears is that either on account of some personal grudge or on account of misconception, the present FIR is lodged.
- 17 Considering that there is no evidence on record to prove the alleged incident, and further consideration that Victim and Complainant both having turned hostile, I am of the view that the accused deserves to be acquitted from the offences as alleged. Thus, I hold that prosecution has failed to prove its case beyond reasonable doubt against the Accused and hence I hold the accused innocent and acquit him from the offenses as charged.
- 18 Under the circumstances, I pass the following order : -

ORDER

- i. Under Section 235(1) of the Code of Criminal Procedure, the accused namely **RAVIRAJ DILIPBHAI NAYAK** is hereby acquitted for the offences punishable under Sections 74, 75(2),

75(3), 76, 352 of the Bharatiya Nyaya Sanhita and u/s. 12 of the Protection of Children from Sexual Offences Act.

- ii.** Bail bonds of the accused stands cancelled.
- iii.** As per provisions of Section 437A of the Criminal Procedure Code, the accused is directed to furnish fresh bond and like surety of Rs.5000/- (Rupees Five Thousand Only) before this Court.

Dictated, Signed and Pronounced in the open Court on 17th Day of March, 2026.

Date : 17/03/2026
Place : Halol.

(Vivek Narendra Mapara)
Additional Sessions Judge &
Special Judge (POCSO),
Panchmahal at Halol
Unique ID Code No.GJ01589

Mustakim Bhala