

**IN THE COURT OF THE SPECIAL JUDGE FOR TRIAL OF CASES
UNDER PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
ACT, 2012 -CUM- XII ADDL. SESSIONS JUDGE, HYDERABAD.**

Dated this the 6th day of April, 2026

**PRESENT: SMT. T. ANITHA
XII ADDITIONAL SESSIONS JUDGE,
HYDERABAD**

SESSIONS CASE PCS NO. 40/2023

Crime Number and Police Station	Crime No.462/2022 of Police Station Amberpet, Hyderabad.
Name and description of the accused person	Zubair Khan, S/o Late Nayeem Uddin Khan, Age 21 years, Occ: Bakery work, R/o H.no.19-3-263/C/10, Achi Reddy Nagar, Jahanuma, Teegalkunta, Falaknuma, Hyderabad.
Name and description of the complainant	The State of Telangana, represented by the Inspector of Police, PS Amberpet, Hyderabad.
Prosecution conducted by	Sri P.J.Ramakrishna, Additional Public Prosecutor.
Defence conducted by	Smt Afreen Khan, Counsel for the accused
Offences charged	U/Sec 376(2)(n), 366 of IPC and Sec 5(l) r/w 6 of POCSO Act.
Plea of the accused	Pleaded not guilty.
Finding of the Court	Found not guilty
RESULT	In the result, the accused is found not guilty for the offence punishable under section 5(l) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and Sec. 366 and 376(2) (n) of Indian Penal Code, 1860 against accused. Accordingly he is acquitted under section 235(1) of Cr.P.C for the said offences. The bail bonds of the accused are in force for a period of six months as contemplated under section 437 A of Cr.PC. The unmarked property if any, shall be destroyed after appeal period.

:: J U D G M E N T ::

1. The Inspector of Police, Hyderabad has filed the charge sheet against the accused in Crime No.462/2022 for the offences U/Sec. 366, 376(2)(n) of Indian Penal Code, 1860 and Sec. 5(l) r/w 6 of Protection of Children from Sexual Offences Act, 2012 of P.S Amberpet.

2. The Indian Penal Code, 1860 is hereinafter referred as IPC, The Protection of Children from Sexual Offences Act, 2012 is hereinafter referred as POCSO Act, 2012 for clarity.

3. The brief averments of the charge sheet are that, on 12.11.2022 PW1/ mother of victim girl lodged a complaint with the police of Amberpet PS stating that on 11.11.2022 she went to her younger daughter school to bring her to home. At 1600 hours she returned to home and found that her elder daughter was missing. On 11.11.2022 she noticed a cell phone with her elder daughter. She questioned her daughter and her daughter replied that it was given by one Zubair. For that the complainant scolded her. Two years back the complainant has given counseling to her elder daughter about Zubair. On enquiry the complainant came to know the particulars of Zubair. Hence she lodged missing complaint.

LW19/SI of Police received complaint and registered the case in Cr.No.462/2022, U/sec.363 IPC and handed over the case file to LW20. LW20/SI of police of PS Amberpet took up investigation. He examined and recorded the statements of PW1 to 4. He visited the scene of offence situated at H.No.XXXX, Amberpet, Hyderabad and secured the presence of

mediators Lws7 and 8 and prepared Crime details form along with rough sketch. He issued look out notice about the missing girl to all police stations. On 23.11.2022 PW1 and 2 brought the victim girl(PW5) to police station. LW20 addressed a letter to Bharosa Center for recording the statement of victim girl. Accordingly LW11/WSI of police recorded the statement of victim girl. Basing on the requisition filed by LW21/SI of Police, the medical officer/LW12 examined the victim girl and collected swabs and smears. Basing on the statement of victim girl LW21 altered the section of law from Sec.363 IPC to Sec.376(2)(n), 366 IPC and Sec. 5(l) r/w 6 of POCSO Act. Later the case file was handed over to PW6/Inspector of Police of PS Amberpet.

PW6 examined and recorded the statement of PW1 and collected bonafide and conduct certificate of victim girl. PW6 deputed LW17 and LW18 who are the police constables to apprehend the accused. Accordingly on 24.11.2022 they apprehended the accused and produced before PW6. PW6 in the presence of panch witnesses LW9 and 10 recorded the confession statement of accused. The accused led PW6 and panch witnesses to the lodge Sri Ganesh Comforts Private Limited situated at XXX, Hyderabad. From there PW6 collected booking registration form from LW6/Proprietor of the lodge. There PW6 conducted scene observation panchanama in the presence of same panch witnesses. Later the accused was produced before the court. Basing on the requisition filed by PW6, LW16/III MM recorded the statement of victim girl U/sec.164 Cr.P.C.

LW13/Asst. Director, TSFSL examined the material objects and issued the report. Later LW12/Medical officer issued the final opinion. PW6 filed requisition before the court for production of accused for conducting potency test. After obtaining court orders the accused was produced before LW14/Civil Asst. Surgeon, Osmania General Hospital for conducting potency test. LW14 issued opinion that “ there is nothing to suggest that the individual is not capable of performing sexual intercourse”. PW6 collected the bonafide certificate of victim girl from victim girl. As per bonafide certificate the date of birth of victim girl is 20.01.2006. After completion of investigation PW6 filed charge sheet.

The investigation reveals that the victim girl got introduced the accused through instagram. They both were talking with each other. After few days accused proposed love and she accepted the same. The love matter reveals to parents and they scolded them. Even then they both used to talk with each other. On 24.04.2022 the accused took the victim girl to XXX lodge and had taken a room. In that room the accused participated sexual intercourse and later dropped her at Ramanthapur. On 11.11.2022 her parents has taken phone from her and saw their photos, messages and calls. Her mother locked her in a room and went out. Due to fear she opened the lock and taken documents, aadhar card and came to down floor. Through the mobile of her aunt she telephoned the accused and asked him to come and take her. At 3.30 pm she left the house and went to Baba Nagar. She received call from her father and her father got angry. Due to

fear she went to Imbliban bus stand and they went to Gulbarga. They stayed two days in Dargah. Later they took room on rent and stayed for few days. After that they boarded a bus and return to Afzalgunj. On seeing the police again they boarded bus and went to Gulbarga and taken take a room on rent. They participated sexual intercourse for 3 times. She telephoned her parents and informed that she will return to home and asked them to take back the case. At 1130 hours her parents reached to Dargah and brought them to Hyderabad. The accused was dropped at his house and the victim girl was brought to her house. The police caught hold the accused and the victim girl was brought to police station.

4. Cognizance of the case was taken against the accused for the offence under Sections 366, 376(2)(n) of Indian Penal Code 1860 and under section 5(l) r/w 6 of the Protection of Children from Sexual Offences Act, 2012.

5. On appearance of the accused, this court furnished the copies of documents to the accused as per the provision U/Sec.207 of Cr.P.C.

6. Upon consideration of material available on record and on hearing of both sides, charges under Sections 366, 376(2)(n) of Indian Penal Code 1860 and under section 5(l) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 were framed against the accused, read over the charges and explained to him. Accused denied the charges, pleaded not guilty and claimed to be tried.

7. During the course of trial, on behalf of the prosecution PW1 to PW6 were examined and Exhibits P1 to P15 marked.

8. After closure of prosecution evidence the accused was examined U/sec 313 Cr.PC by explaining the incriminating circumstances appeared in the evidence of prosecution witnesses. The accused denied the same and pleaded as no defence evidence.

9. Heard arguments on both sides and perused the material available on record.

10. **Now the points for determination is:-**“Whether the prosecution is able to prove the guilt of the accused beyond all reasonable doubt?

11. PW1/complainant and mother of victim girl stated that as her daughter was missing she went to police station and lodged complaint. She do not know the contents of complaint. Her daughter returned to house. She turned hostile. Her signature on the complaint and 161 Cr.PC statement marked as Ex.P1 and Ex.P2.

12. PW2/father of victim girl, PW3, PW4/uncles of victim girl turned hostile by stating that they do not know the facts of the case and the accused never committed any offence. The 161 Cr.PC statement of PW2 to 4 marked as Ex.P3 to Ex.P5.

13. PW6/P.Sudhakar, the then Inspector of Police, Hyderabad stated that On 12-11-2022 at 12.15 hours, LW19 received complaint from PW1 and basing on the same he registered a case in Cr.No. 462/2022 u/sec 363 IPC and issued FIR and handed over the case file to LW20 for investigation. LW20 examined and recorded the statements of Lws 1 to 4. Later he visited the scene of offence and conducted observation panchanama and drawn rough sketch in the presence of Lws 7 and 8. On 23-11-2022 Lws 1 and 2 brought the victim girl to PS. LW20 got recorded the statement of victim girl through LW11 at Bharosa center. The victim girl was referred for medical examination where LW12/medical officer examined her. Basing on the statement of victim girl, he altered the section of law from Section 363 IPC to Section 376(2)(n), 366 IPC and Section 5(l) r/w 6 of POCSO Act and case file was handed to PW6 for further investigation. He examined and recorded the statement of LW1 and collected copy of bonafide certificate. As per his instructions, Lws 17 and 18 apprehended the accused and produced before him. On interrogation the accused confessed the commission of offence. Then he recorded confession statement of accused in the presence of Lws 9 and 10. Later he effected the arrest of accused. As led by the accused they all went to a lodge at Dilsukhnagar where he collected lodge room booking registration form from LW6. He examined and recorded the statement of LW6 (lodge owner). Later he conducted observation panchanama of the scene of offence in the presence of lws 9 and 10. Later he got remanded him to judicial custody. He got recorded 164 Cr.PC statement of victim girl

through LW16/Judicial Magistrate. He got conducted potency test to the accused through LW14/medical officer. After collection of all relevant documents and after completion of investigation, he filed charge sheet. Through PW6 complaint is marked as Ex.P7, FIR marked as Ex.P8, CDF including rough sketch dt.12-11-2022 marked as Ex.P9, CDF including rough sketch dt. 24-11-2022 marked as Ex.P10, Preliminary examination report marked as Ex.P11, FSL report marked as Ex.P12, Final opinion marked as Ex.P13, Potency test report marked as Ex.P14 and bonafide certificate of victim girl marked as Ex.P15.

14. Since the present case is file under POCSO Act, at first the prosecution was to prove that the victim girl was a child and below the age of 18 years as defined sec.2(1)(d) of POCSO Act,. To establish the age of victim girl, the prosecution relied on Ex.P15 bonafide certificate of victim girl. Ex.P15 reflects that the victim girl studied LKG to 10th class in that school. As per school record the date of birth of victim girl is 20.01.2006. The defence counsel has not put any question to the witness by disputing Ex.P15. From that it is clear that there is no dispute as to the date of birth of victim girl. The crime was registered before the police on 12.11.2022 under FIR Ex.P8. So by the date of registration of the case the age of the victim girl is 16 years 10 months. As such she is a child as defined U/sec.2(1)(d) of POCSO Act.

15. In this case the prosecution examined six witnesses. Among those witnesses, PWs 1 to 5 turned hostile. PW6 is Investigation officer. Even though he deposed his evidence is confined to the filing of charge sheet. The evidence of PW6 is only formal in nature. The very crucial witness is PW5 (victim girl). She completely turned hostile and not supported the case of prosecution to any extent. Since the material witnesses PW1, PW2, PW3, PW4 and PW5 i.e., mother of victim girl, father of victim girl, uncles of victim girl and victim girl turned hostile it can be said that there is no evidence to show that the accused has kidnapped the victim girl and committed repeated sexual intercourse on her. Hence, I hold the point as against the prosecution.

16. In the result, the accused is found not guilty for the offence punishable under section 5(l) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and Sec. 366 and 376(2)(n) of Indian Penal Code, 1860 against accused. Accordingly he is acquitted under section 235(1) of Cr.P.C for the said offences. The bail bonds of the accused are in force for a period of six months as contemplated under section 437 A of Cr.P.C. The unmarked property if any, shall be destroyed after appeal period.

Typed to my dictation by the Typist, corrected and pronounced by me in the open court, on this the 6th day of April, 2026.

SD/-
Special Sessions Judge For Trial Of Cases Under
Protection Of Children From Sexual Offences Act,
2012 Cum- XII Addl. Sessions Judge, Hyderabad.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PROSECUTION:

PW1: Mother of victim girl
PW2: Father of victim girl
PW3: Mohd. Jaheer, uncle of victim girl
PW4: Mohd. Yousuf, uncle of victim girl
PW5: Victim girl
PW6: P.Sudhakar, Inspector of police, investigation officer who filed charge sheet.

FOR DEFENCE: NIL

EXHIBITS MARKED

FOR PROSECUTION:

Ex.P1: Signature of PW1 appearing on complaint
Ex.P2: 161 Cr.P.C statement of PW1
Ex.P3: 161 Cr.P.C statement of PW2
Ex.P4: 161 Cr.P.C statement of PW3
Ex.P5: 161 Cr.P.C statement of PW4
Ex.P6: 161 Cr.P.C statement of PW5
Ex.P7: Complaint
Ex.P8: FIR
Ex.P9: CDF including rough sketch dt.12-11-2022
Ex.P10: CDF including rough sketch dt. 24-11-2022
Ex.P11: Preliminary examination report
Ex.P12: FSL report
Ex.P13: Final opinion report
Ex.P14: Potency test report
Ex.P15: Bonafide certificate of victim girl

NO. OF EXHIBITS MARKED ON BEHALF OF DEFENCE : NIL

NO. OF MATERIAL OBJECTS MARKED : NIL

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