

**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 13th day of April, 2026

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

SESSIONS CASE PCS NO. 45/2021

Crime Number and Police Station	Crime No.674/2019 of Police Station Banjara Hills, Hyderabad.
Name and description of the accused person	Mukkolla Dinesh Kumar @ Dinesh, S/o M.Adinarayana, Age 25 years, Occ: Office boy, R/o H.no.8-2-293/82/CSN/55, Chatrpaathi Shivaji Nagar, near Apollo Hospital, Film Nagar, Banjara Hills, Hyderabad.
Name and description of the complainant	The State of Telangana, represented by the Inspector of Police, PS Banjara Hills, Hyderabad.
Prosecution conducted by	Sri P.J.Ramakrishna, Additional Public Prosecutor.
Defence conducted by	Sri Suresh Kumar Sharma, Deputy Legal Aid Counsel for the accused
Offences charged	U/Sec 376(3), 376(2)(n), 363 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. 376(3), 376(2)(n), 363 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 shall be 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 expiry of appeal period.

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

1. The Inspector of Police, has filed the charge sheet against the accused in Crime No.674/2019 for the offences U/Sec. 376(3), 376(2)(n), 363 of Indian Penal Code, 1860 and Sec. 5(l) r/w 6 of Protection of Children from Sexual Offences Act, 2012 of P.S Banjara Hills.

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 24.07.2019 PW1/father of victim girl lodged complaint with the police stating that his elder daughter was working in a building opposite to Jagapathi Babu house, Hakeempet. For the last 3 months one person by name Dinesh was following his daughter. One day when no one was present in the house the accused came and talking with his daughter. He warned him and sent him away. On 23.07.2019 at 7.00 am his daughter went to work and not returned to home. He searched for his daughter. He came to know that one girl went along with a guy. He shown the photo to the car drivers and they recognized his daughter. His daughter went along with Dinesh who was a married person. His daughter phone was switched off. He requested the police to take necessary action.

Basing on the complaint LW18/SI of police registered a case in Cr.No.674/2019, U/sec.363 IPC and handed over the case file to LW19/Asst. SI of police. LW19 examined and recorded statement of PW1. He issued look out circular and flashed the messages to all patrolling mobile and neighboring police station. LW18 took up investigation. On 20.08.2019 the victim girl was traced out at XXX village, XX Taluk of Krishna District. The victim girl was brought to police station. LW14/Women police constable examined the victim girl. She reveled that she along with Dinesh left to Ananathapur and resided in the house of relatives of accused. While they both were staying in that house they had sexual intercourse. The victim, girl was sent to Bharosa center under the escort of LW14. There LW12/WSI of police recorded the statement of victim girl. Later the victim girl was produced before LW13/Asst. Professor for medical examination. LW13 examined the victim girl and collected the swabs.

Basing on the statement of victim girl the section of law was altered from Sec.363 IPC to Sec.376, Sec.363 IPC and Sec.3 and 4 of POCSO Act. Then PW4/Inspector of police took up investigation. PW4 visited the scene of offence situated at XXX. There he secured the presence of LW6 and 7 and conducted scene observation panchanama and drawn rough sketch. PW4 secured the presence of PW2 and PW3 and recorded their statements. PW4 also visited the scene of offence situated at XXX, Krishna District and secured mediators LW8 and LW9 and conducted scene observation

panchanama and drawn rough sketch. The deputed staff of PW4 i.e., LW18/SI of police apprehended the accused and produced before PW4. PW4 recorded the confessional panchanama of accused in the presence of mediators LW10 and 11. Later the accused was produced before the court. PW4 obtained police custody of accused produced him before LW16/Asst. Professor for conducting potency test. He examined the accused and opined that “there is nothing to suggest that the individual is not capable of performing sexual intercourse”. After police custody the accused was produce before court. The seized material was sent to TS FSL. LW15/Asst. Director, TSFSL examined and furnished opinion. Later LW13 has given opinion that “there are signs suggestive of occurrence of sexual intercourse”. PW4 collected bonafide certificate of victim girl from LW5/Head master of Govt. high School. After completion of investigation PW4 filed charge sheet.

4. Cognizance of the case was taken against the accused for the offence under Sections 376(3), 376(2)(n), 363 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 376(3), 376(2)(n), 363 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 PW4 were examined and Exhibits P1 to P14 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 father of victim girl stated that as his daughter was found missing he lodged complaint. Later his daughter returned to home. Through PW1 the complaint marked as Ex.P1. He further stated that due to suspicious he incorporated the name of accused.

12. PW2/ mother of victim girl turned hostile by stating that she do not know the facts of the case. Her 161 Cr.P.C statement marked as Ex.P2.

13. PW3/ victim girl turned hostile by stating that she do not know the facts of the case and accused never committed any offence. She turned hostile. Her 161 Cr.P.C statement marked as Ex.P3.

14. PW4/Investigation officer in his evidence narrated the entire contents of charge sheet. He deposed about the investigation done by LW17 and LW18 and himself. Through PW4, Ex.P4 FIR, Ex.P5 Crime Details Form at Vivekananda Nagar, Banjara Hills, Ex.P6 Rough sketch, Ex.P7 Crime details from at Parnapally Lingala (M), Pulivendula, Krishna District along with rough sketch, Ex.P8 confessional statement of accused, Ex.P9 bonafide certificate of victim girl, Ex.P10 preliminary examination report, Ex.P11 FSL report, Ex.P12 final opinion report, Ex.P13 potency test report, Ex.P14 section alteration memo marked.

15. 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.P9 bonafide certificate of victim girl marked through investigation officer/PW4. Ex.P9 reflects that the date of birth of victim girl is 18.03.2004. The defence counsel has not put any question to

the witness by disputing Ex.P9. 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 03.04.2021 under FIR Ex.P4. So by the date of registration of the case the age of the victim girl is 17 years 01 months. As such she is a child as defined U/sec.2(1)(d) of POCSO Act.

16. In this case the prosecution examined three witnesses. Among those witnesses, PWs 1 to 3 turned hostile. PW4 is Investigation officer. His evidence is formal in nature. He is not eye witness to the incident. The very crucial witness is PW3 (victim girl). She completely turned hostile and not supported the case of prosecution to any extent. Since the material witnesses PW1/father of victim girl, PW2/mother of victim girl and PW3/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.

17. 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. 376(3), 376(2)(n), 363 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 shall be 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 expiry of appeal period.

Typed to my dictation by the Typist, corrected and pronounced by me in the open court, on this the 13th 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: P.Murali, complainant and father of victim girl
PW2: Laxmi, mother of victim girl
PW3: Victim girl
PW3: R.Kalinga Rao, Inspector of Police, Investigation officer who filed charge sheet.

FOR DEFENCE: NIL

EXHIBITS MARKED

FOR PROSECUTION:

Ex.P1: Complaint
Ex.P2: 161 Cr.P.C statement of PW2
Ex.P3: 161 Cr.P.C statement of PW3
Ex.P4: FIR
Ex.P5: Crime details form at Vivekananda Nagar, Banjara Hills
Ex.P6: Rough sketch
Ex.P7: Crime details from at Parnapally Lingala (M), Pulivendula, Krishna District along with rough sketch
Ex.P8: Confessional statement of accused
Ex.P9: Bonafide certificate of victim girl
Ex.P10: Preliminary examination report
Ex.P11: FSL report
Ex.P12: Final opinion report

Ex.P13: Potency test report
Ex.P14: Section alteration memo

NO. OF EXHIBITS MARKED ON BEHALF OF DEFENCE : Nil

NO. OF MATERIAL OBJECTS MARKED : Nil

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