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**IN THE COURT OF PRINCIPAL
DISTRICT & SESSIONS JUDGE,
MYSURU**

Dated this the 2nd day of April, 2026

PRESENT

Smt. Usharani, B.A.(Law), LL.B.
Principal District & Sessions Judge,
Mysuru.

SC No.228/2022

Complainant : The State by Hunsur Town Police
[By learned Public Prosecutor]
Vs.

Accused : Mohamed Faizan Alias Faizan,
S/o Gousmohiddin,
Aged about 17 years,
No.1525, Muslim Block,
Hunsur Town, Mysuru District.

[By Smt. Ranjani M S, Advocate]

- 1 Date of commission of offence : 17.1.2020
- 2 Date of report of occurrence : 9.3.2020
- 3 Whether the accused is on bail or in judicial custody : CCWL is on bail
- 4 Date of commencement of trial : 12.2.2025
- 5 Date of closing of trial : 10.2.2026

- 6 Name of the complainant : B M Purushothama
7 Offences charged : Section 376[3] and Section 3, 4[2] of Protection of Children from Sexual Offences Act, 2012.
8 Opinion of the Judge : As per final order

JUDGMENT

The Child in Conflict with Law [‘CCW’ for short] charge-sheeted by Circle Inspector of Police, Hunsur Circle, Hunsur for the offences punishable under Sections 376[3] of Indian Penal Code [‘IPC’ for short] and Section 3, 4[2] of Protection of Children from Sexual Offences Act, 2012 [‘POCSO Act’ for short].

2. The succinct of the case of prosecution is that, CCWL had insincere love with CW-2 and *on 17.1.2020, at about 6.30 pm, he* took her on motor cycle bearing registration No.KA-10-H-9440 to Omkareshwara Hill Road at Ramenahalli village, knowing fully well that she is aged below 16 years and sexually assaulted her by digital penetration of the vagina. Hence, F.I.R. has been registered in Cr.No.55/2020 for the offences punishable under Section 376[3],

384, 506, 34 and Section 3, 4[2] of Protection of Children from Sexual Offences Act, 2012.

3. On completion of investigation, CPI of Hunsur Circle, Hunsur has submitted charge-sheet against CCWL for the offences punishable under Section 376[3] and Section 3, 4[2] of Protection of Children from Sexual Offences Act, 2012 before the Juvenile Justice Board, Mysuru. On taking cognizance of the offences, case was registered in JC 46/2020. The copy of prosecution papers were supplied to CCWL as required under Section 207 of Criminal Procedure Code ('Cr.P.C' for short). Thereafter Juvenile Justice Board referred CCWL to Psychiatric, Dr. V S T Krishna who has given report and the same was placed before the Board. After hearing the prosecution and the Advocate for CCWL detailed order has been passed on 22.10.2021 by holding that, child is having ability to understand the consequences of the offence and opined that it is just and proper to transfer the trial of the case relating to CCWL to the Children's Court. Accordingly, Juvenile Justice Board has transferred this case under Section 18[3] of Juvenile

Justice [Care and protection of children act] 2015 as this Court is a Children's Court i.e., Principal District & Sessions Court, Mysuru. After receipt of entire records on 24.6.2022, registered as SC 228/2022. The CCWL is on bail and he is represented by learned Advocate Smt. R.M.S.

4. After hearing both the sides, this Court has framed charge against the CCWL for the offences punishable under Section 376[3] and Section 3, 4[2] of Protection of Children from Sexual Offences Act, 2012. The CCWL has pleaded not guilty of the offences and claimed to be tried by this Court. Thereafter, the case was posted for trial.

5. During the course of trial, the prosecution has examined P.W.1 to PW-7 and got marked Ex.P.1 to Ex.P.21. Thereafter, statement of the CCWL was recorded under Section 313 of Cr.P.C. The CCWL has denied all the incriminating evidences produced against him and has led no defence evidence.

6. Heard the learned Public Prosecutor and the learned advocate for the CCWL and the matter was posted for judgment.

7. The points arise for my consideration are as follows:

- 1) *Whether the prosecution proves beyond reasonable doubt that on 17.1.2020, at about 6.30 pm, CCWL pretending to be in love with CW-2, took her on a motor cycle bearing registration No.KA-10-X-9440 to Omkare-shwara Hill Road at Ramenahalli village, knowing fully well that she is aged below 16 years, sexually assaulted her by digital penetration of the vagina and thereby committed an offence punishable under Section 376[3] of IPC and section 3, 4[2] of POCSO Act?*
- 2) *What order?*

8. My answers to the above points are as follows:

Point No.1: In the **Negative**,

Point No.2: As per final order for the following:

REASONS

9. **POINT No.1** : At the outset, it is important to note here that PW-3, the father of the victim [PW- 5] is the complainant and CW-19 is the Police Officer who has registered the F.I.R based on

the said complaint and CW- 20 is the Investigating Officer who on completion of investigation, submitted the charge-sheet.

10. It is alleged in the complaint Ex.P.2 that complainant is a retired SDA in Water Supply Department, Hunsur and he has two sons and a daughter i.e., victim [hereinafter referred as PW- 5]. On retirement, he had received retirement benefits of Rs.11 lakhs and hence, he had deposited the same in the State Bank of India. He had also secured ATM card from the Bank and he had activated the same with the help of his daughter PW-5. He had withdrawn Rs.2,000/- once by using the ATM card. During which time, PW-5 has noted 4 digit secret number. Since then he used to withdraw amount by using the cheque book once in 3 months. On 1.3.2020, since KYC form has to be updated, he had made entries in his Bank passbook. On 6.3.2020 his brother-in-law has asked to purchase 30 cents of land and a house for Rs.12 lakhs at their village. Hence, he went and checked the balance amount and found only Rs.4,61,548/- in his account. Hence, he had verified the same and found withdrawal of amount from his account by his daughter PW-5 by using his ATM card. Thereafter complainant PW3 took

his daughter from the School and also his wife PW-6 and enquired about the same. During which, he learnt that in the year 2019, she came in contact with CCWL through her classmate PW- 4 and thereafter they both started loving and he took her to various places and molested her and in the month of January, during 6.30 pm, he also did digital penetration of vagina. Further in the month of October, he introduced one Yashavanth, who after two weeks started blackmailing her and extorted amount by putting her under threat that he will inform their love affair to people at Hunsur and disrepute her. Hence, whenever Yashavanth threatened her, she used to withdraw the amount from the Bank account of her father by using ATM card of her father and give him. Further Yashavanth got withdrew the amount 4 times and had purchased valuable mobile, camera and other articles. The choreographer Rameez had taken her mobile phone and Rs.28,000/- which she had, but frightened about Yashawanth, she had not disclosed these things to anyone. Since son of the complainant Veerendra asked to verify and then lodge the complaint, there was delay in lodging the complaint.

11. Based on the above complaint, CW-19 has registered F.I.R. for the offences punishable under Section 376[3], 384, 506, 34 and Section 3, 4[2] of POCSO Act. The F.I.R. has been registered after lapse of 3 days of the alleged incident i.e., after he had knowledge about the same to the complainant. It is also relevant to note here that on completion of investigation, charge-sheet has been filed for the offences punishable under Section 376[3], 506 and 34 of I.P.C against accused No.1. Further in the charge-sheet, note has been made as separate criminal action has been taken against Yashavanth under Section 384, 506 of IPC by registering Cr.No.64/2020. Hence, it is pertinent to extract the said portion in the charge-sheet:

"ನಿವೇದನೆ: ಪ್ರಕರಣದ ಪ್ರ.ವ.ವರದಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವ 2 ನೇ ಆರೋಪಿತನು ಪ್ರಕರಣದ ನೊಂದ ಬಾಲಕಿ ಕು: ಯಶಸ್ವಿನಿಯವರನ್ನು ಹೆದರಿಸಿ ಎ ಟಿ ಎಂ ಮುಖಾಂತರ ಹಣ ಡ್ರಾ ಮಾಡಿರುವುದು ಹಾಗೂ ಆನ್‌ಲೈನ್ ಶಾಪಿಂಗ್ ಮಾಡಿರುವುದರಿಂದ ಸದರಿ ಆರೋಪಿತನ ವಿರುದ್ಧ ಹುಣಸೂರು ಪಟ್ಟಣ ಪೊಲೀಸ್ ಠಾಣಾ ಮೊ. ನಂ.64/2020 ಕಲಂ 384, 506 ಐ ಪಿ ಸಿ ರೀತ್ಯಾ ಪ್ರತ್ಯೇಕ ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸಿ ತನಿಖೆ ಕ್ರಮ ಕೈಗೊಂಡಿರುತ್ತದೆ".

But in the course of chief-examination before the Court, PW- 3 has deposed that Yashavanth withdrew the amount from his Bank Account by using ATM card with the help of victim PW-5. On enquiry about the withdrawal of amount noticed by him, victim PW-5 disclosed that since Yashavantha threatened her with dire consequences, she had handed over ATM card to him. Actually six persons joined in the commission of an offence, but Police have not registered case against them, he does not know their names. He has specifically stated that he has not given complaint against the CCW, who is before the Court. Hence, it is pertinent to reproduce the said portion in the evidence of PW-3 which runs thus:

"ಚಾಸಾ-2 ರವರಲ್ಲಿ ನನ್ನ ಹಣವನ್ನು ತೆಗೆದಿದ್ದರೋ ಎಂದು ವಿಚಾರಿಸಲಾಗಿ, ಯಶವಂತ ಕೊಲೆ ಬೆದರಿಕೆ ಹಾಕಿದ್ದರಿಂದ ಎ ಟಿ ಎಮ್ ಕಾರ್ಡನ್ನು ಆತನಿಗೆ ನೀಡಿದ್ದಾಗಿ ಆಕೆ ತಿಳಿಸಿರುತ್ತಾಳೆ. ಆದರೆ ಅದು ಕೂಡ ಸುಳ್ಳಾಗಿರುತ್ತದೆ. 6 ಜನ ಈ ಕೃತ್ಯದಲ್ಲಿ ಸೇರಿದ್ದರು, ಪೊಲೀಸರು ಬಂಧಿಸಿಲ್ಲ. ಆ 6 ಜನರ ಹೆಸರು ಗೊತ್ತಿಲ್ಲ. ಪೊಲೀಸರಿಗೆ ಗೊತ್ತು. ನ್ಯಾಯಾಲಯದ ಮುಂದಿರುವ ಆರೋಪಿತನ ಮೇಲೆ ನಾನು ದೂರನ್ನು ಕೊಟ್ಟಿಲ್ಲ".

Further important fact is that PW-3 has also deposed that his daughter has not informed about any torture given by CCWL. He

has gone further saying he does not know how his daughter came in contact with CCWL. He does not know whether CCWL has given trouble to his daughter. He had also deposed that Rameez had returned Rs.28,000/- and mobile phone given by PW-5 to him.

The said portion in the evidence is extracted here below :

"ಈ ಆರೋಪಿತ ನನ್ನ ಮಗಳಿಗೆ ಏನಾದರೂ ತೊಂದರೆ ಮಾಡಿದ್ದಾನಾ ಎಂದು ಆಕೆ ತಿಳಿಸಿಲ್ಲ. ನನ್ನ ಮಗಳು ಚಾಸಾ- 2 ರವರಿಗೆ ಆರೋಪಿತನ ಪರಿಚಯ ಹೇಗೆ ಆಯಿತು ಎಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಕೋರಿಯೋಗ್ರಾಫರ್ ರಮೀಜ್ ಎಂಬುವವರ ಬಳಿ ನನ್ನ ಮಗಳನ್ನು ನನ್ನ ಹೆಂಡತಿ ಡ್ಯಾನ್ಸ್ ಕ್ಲಾಸ್‌ಗೆ ಕಳುಹಿಸಿದ್ದಳು. ರಮೀಜ್ ಗೆ ನನ್ನ ಹಣದಲ್ಲಿ ರೂ.28 ಸಾವಿರದ ಮೊಬೈಲನ್ನು ಕೊಡಿಸಿದ್ದಳು, ಸದರಿ ಹಣವನ್ನು ಪೊಲೀಸರು ನನಗೆ ಹಿಂದಿರುಗಿಸಿದ್ದಾರೆ. ಆರೋಪಿತ ನನ್ನ ಮಗಳು ಚಾಸಾ-2 ರವರಿಗೆ ಆರೋಪಿತ ಮತ್ತು ಇತರರು ಏನಾದರೂ ತೊಂದರೆ ಮಾಡಿದ್ದಾರೋ ಎಂದು ತಿಳಿಸಿಲ್ಲ".

This is a major omission found in the evidence of PW-3. Further there is also an improvement in the evidence of PW-3, who has deposed that his daughter had touch screen mobile and Rotary School Head Master took mobile phone which had obscene pictures from the possession of his daughter. Even in the course of cross-examination conducted by prosecution after treating PW-3 as hostile, he has expressed ignorance about love affair between his

daughter PW-5 and the CCWL and also with regard to sexual assault committed by CCWL on her. In the course of cross-examination of PW-3, he has admitted that while verifying use of ATM on different dates, by watching CCTV footages, he has not seen CCWL. Further in the cross-examination he has admitted that he had given complaint as one Yashavanth had drawn amount by using his ATM and he had not lodged complaint as CCWL sexually assaulted his daughter PW-5. The said portion in the evidence of PW-3 is extracted here below for easy reference:

"ನ್ಯಾಯಾಲಯದ ಮುಂದಿರುವ ಆರೋಪಿತ ತೆಗೆದುಕೊಂಡಿದ್ದ ಎಂದು ತಿಳಿಸಿದರು ಸುಳ್ಳು ಹೇಳುತ್ತಿದ್ದೇನೆ ಎಂದರೆ, ಯಶವಂತ ಸುಳ್ಳು ಹೇಳಿದ್ದಾನೆ. ನಾನು ನನ್ನ ಎಟಿಎಮ್ ಕಾರ್ಡ್ ಬಳಸಿ ನನ್ನ ಖಾತೆಯಿಂದ ಹಣ ತೆಗೆಯಲಾಗಿದೆ ಎಂದು ಮಾತ್ರ ನಾನು ದೂರು ಕೊಟ್ಟಿದ್ದೇನೆ ಎಂದರೆ ನಿಜ. ಆರೋಪಿತ ನನ್ನ ಮಗಳಿಗೆ ಲೈಂಗಿಕ ಕಿರುಕುಳ ಕೊಟ್ಟಿದ್ದಾನೆ ಎಂದು ನಾನು ಕೊಟ್ಟಿಲ್ಲ ಎಂದರೆ ನಿಜ".

12. Victim is examined as PW-5 and her mother was examined as PW- 6 and friend of victim was also examined as PW- 4 and they were turned hostile. Therefore, the careful scrutiny of their evidence is very much required.

13. The Investigating Officer has recorded statement of PW5 victim and had also produced her before the Court where she has given statement Ex.P.4 under Section; 164 of Cr.P.C., wherein she has stated before the Magistrate regarding how she had came in contact with CCWL and how he started loving her. But she further stated that she was reluctant and there was no telephonic conversation between them. It was also stated by PW- 5 that during January 2020, CCWL tried to contact her and sent messages, but she has not responded. On 17.1.2020 at about 6.00 pm when she went to shop, CCWL forcibly took her on a motor cycle and sexually abused her. Since her father i.e., PW-3 became aware of all these facts, he questioned her, during which time, she has disclosed everything and hence, her father had lodged the complaint. The relevant portion in the Ex.P.4 is reproduced here below:

“ **2020** ರ ಜನವರಿ ಮೊದಲನೆ ವಾರದಲ್ಲಿ ನಾನು ಟೌನ್ ಹಾಲ್ ನ ಬಳಿ ನಮ್ಮ ಶಾಲೆಯ ಮುಂಭಾಗದಲ್ಲಿರುವ ಮೈದಾನದಲ್ಲಿದ್ದಾಗ ಫೈಸಲ್ ರವರು ಬಂದಿರುತ್ತಾರೆ. ಆದರೆ ನಾನು ಮಾತನಾಡಿರುವುದಿಲ್ಲ. ಆದರೆ ಫೈಸಲ್ ರವರು ಟೆಕ್ಸ್ಟ್ ಮೆಸೇಜ್‌ಗಳನ್ನು ಮಾಡುತ್ತಿದ್ದರೂ ನಾನು ಅದಕ್ಕೆ ರಿಪ್ಲೈ ಮಾಡಿರುವುದಿಲ್ಲ. **2020** ರ ಜನವರಿ **17** ರಂದು ಸಂಜೆ **6.00** ಗಂಟೆ ಸಮಯದಲ್ಲಿ ನಾನು ಒಬ್ಬಳೇ ಅಂಗಡಿಗೆ ಟೌನ್ ಹಾಲ್ ನ

ಬಳಿ ಬಂದಿದ್ದಾಗ ಫೈಸಲ್ ರವರು ನನ್ನನ್ನು ಬಲವಂತವಾಗಿ ಅವರ ಬೈಕಿನಲ್ಲಿ ರಾಮೇನಹಳ್ಳಿ ಬೆಟ್ಟಕ್ಕೆ ಕರೆದುಕೊಂಡು ಹೋಗಿರುತ್ತಾರೆ. ಬೆಟ್ಟದ ಮೇಲೆ ನನ್ನ ಖಾಸಗಿ ಅಂಗಗಳನ್ನು ಮುಟ್ಟಿರುತ್ತಾರೆ. ನಂತರ ಅವರೇ ನನ್ನನ್ನು ಬೈಕಿನಲ್ಲಿ ಹುಣಸೂರಿನ ಟೌನ್ ಹಾಲ್‌ನ ಬಳಿ ಕರೆದುಕೊಂಡು ಬಂದು ಬಿಟ್ಟಿರುತ್ತಾರೆ. ನಾನು ಸಂಜೆ 7.00 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ಮನೆಗೆ ಹೋಗಿರುತ್ತೇನೆ. ಸದರಿ ವಿಚಾರವನ್ನು ಯಾರಿಗೂ ತಿಳಿಸಬಾರದೆಂದು ಹೆದರಿಸಿದ್ದರು. ಆದ್ದರಿಂದ ಮನೆಯವರಿಗೆ ವಿಚಾರವನ್ನು ತಿಳಿಸಿರುವುದಿಲ್ಲ. 2020 ರ ಮಾರ್ಚಿ ತಿಂಗಳಿನಲ್ಲಿ ನನ್ನ ತಂದೆಗೆ ಅವರ ಸ್ನೇಹಿತರ ಮುಖಾಂತರ ನನ್ನ ಮತ್ತು ಫೈಸಲ್ ವಿಚಾರ ತಿಳಿದಿರುತ್ತದೆ. ನನ್ನ ತಂದೆ ನನ್ನನ್ನು ಈ ವಿಚಾರವಾಗಿ ಪ್ರಶ್ನಿಸಿರುತ್ತಾರೆ. ನಾನು ನನ್ನ ತಂದೆಯ ಬಳಿ ನಡೆದ ವಿಚಾರವನ್ನು ತಿಳಿಸಿರುತ್ತೇನೆ. ನಂತರ ನನ್ನ ತಂದೆ ಪೊಲೀಸರಿಗೆ ದೂರನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಮುಂದೆ ಈ ರೀತಿ ನಡೆಯದಂತೆ ಟಾರ್ಚರ್ ಕೊಡದಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೋರುತ್ತೇನೆ".

14. At the cost of repetition, it is important to note here that, as already noted supra, PW-3 has deposed that he has not lodged complaint with regard to alleged sexual assault on his daughter PW5 by CCWL. Moreover, PW-5 has deposed before the Court in her cross-examination as well as in the chief-examination that she has given the said statement under pressure. Even according to her, the statement given to Police at Ex.P.5 is also under pressure. Though Ex.P.1 spot mahazar contains signature of PW-5 the victim, she had expressed ignorance about presence of other persons at the spot. Further she has failed to identify the persons in

the photographs Ex.P.6 to 11 which alleged to have been taken at the spot. The relevant portion of evidence of PW-5 is extracted here below:

"ಈ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಹಿಳಾ ಪೊಲೀಸ್ ಮುಂದೆ ಹೇಳಿಕೆ ನೀಡಿದ್ದೇನೆ. ಈ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಹಿಳಾ ಪೊಲೀಸ್ ಮುಂದೆ ಹೇಳಿಕೆಯನ್ನು ನೀಡಿದ್ದು, ಅದನ್ನು ಒತ್ತಡಕ್ಕೆ ಮಣಿದು ಕೊಟ್ಟಿದ್ದೆ".

15. Further in the cross-examination she has stated that at the pressure of her father, she has given the statement before the Magistrate. The said portion of the cross-examination of PW-5 conducted by prosecution is reproduced here below:

"ನ್ಯಾಯಾಧೀಶರ ಮುಂದೆ ಕೂಡ ನಾನು ಈ ಮೇಲೆ ಹೇಳಿದಂತೆ ಹೇಳಿಕೆ ನೀಡಿದ್ದೇನೆ ಎಂದರೆ, ಆಗ ನನ್ನ ತಂದೆ ಇದ್ದರು ಅವರ ಒತ್ತಡಕ್ಕೆ ಮಣಿದು ಆ ರೀತಿ ಹೇಳಿಕೆ ನೀಡಿದ್ದೇನೆ. ನಾನು ನ್ಯಾಯಾಧೀಶರ ಮುಂದೆ ಸ್ವ ಇಚ್ಛೆಯಿಂದ ಹೇಳಿಕೆ ನೀಡಿದ್ದೇನೆ ಎಂದು ಹೇಳಿದ್ದೇನೆ ಎಂದರೆ ನಿಜ".

16. It is pertinent to note here that PW-1 and 2 were cited as witnesses to Ex.P.1 and PW-6 was shown as present during the said period. According to PW-1 and PW-2, mahazar Ex.P.1 was prepared at Omkara Temple Hill situated at Ramenahalli village, Yelwala. The Police took their signatures on Ex.P.1 stating child marriage took place. However, according to PW-1, CCWL

sexually abused victim / PW- 5 on 17.1.2020 at the said place. But PW-1 further deposed that victim, PW-2 and PW-6 were also present while conducting Ex.P. 1. But PW-2 has deposed that, Police took her signature on the Ex.P.1 at Omkara Temple Hill Ramenahalli village, Yelwala, saying child marriage was performed. As stated supra, PW-5 has not supported the contents in the Ex.P.1. Even the mother of victim i.e., PW-6 has also deposed that she does not know when Ex.P.6 to 11 were photographed and what was written in Ex.P.1. From the above it is clear that prosecution has failed to prove the mahazar Ex.P.1.

17. PW-6 has deposed that Yashavanth by putting her daughter PW-5 under threat, got withdrew the amount from the Bank account of her husband PW-3. Hence, her husband PW-3 has lodged the complaint. However, she has denied giving any statement to the Police in this regard.

18. At this juncture, it is important to note here Section 376 of IPC which runs thus:

“Punishment for rape.—

x x x x x

(3) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim”.

Hence, in order to prove an offence alleged under Section 376[3] of IPC, prosecution has to prove that CCWL has committed rape on PW- 5 who is under sixteen years of age.

19. The prosecution has produced copy of School administration register at Ex.P.12 to establish that CCWL was a minor. He had joined their School to continue his education from 8th Std. When prosecution has failed to prove the main allegation of sexual assault committed by CCWL on PW- 5, Ex.P.12 produced will not in any way help the prosecution.

20. One more witness to the prosecution is PW- 4, who is the classmate of the victim. According to prosecution, PW- 4 has only introduced CCWL to the victim and he was aware of their love affair and CCWL had also informed their love affair to him but he had advised them. Further CCWL had also informed regarding the incident that he took the victim on 17.1.2020 on his bike to Ramenahalli Hill and sexually abused her, etc., But when PW- 4 was summoned before the Court he had expressed ignorance about the same. Further in the course of cross-examination, conducted by the learned Public Prosecutor after treating him as hostile, he had denied all the questions put to him with regard to the contents in Ex.P.3 statement.

21. In view of the discussion made supra, I opine that prosecution has miserably failed to prove the ingredients of Section 376[3] of IPC against CCWL. Hence, CCWL is entitled for acquittal. Therefore, Point No.1 is answered in the **negative**.

22. **POINT NO.2:** In view of the discussion made supra on points No.1, I proceed to pass the following:

ORDER

Acting under Section 235[1] of Criminal Procedure Code, the Child in Conflict with Law is acquitted of the offences punishable under Sections 376[3] of IPC and Section 3, 4[2] of Protection of Children from Sexual Offences Act, 2012.

The bail bond and the surety bond of CCWL shall stand canceled.

The properties in PR 229/2024 [PF No.55/2020] being worthless are ordered to be destroyed.

The property i.e., KA-10-H-9440 TVS Zenta Bike seized under PF No.54/2020 is ordered to be returned to the RC owner after the appeal period.

(Typed to my online dictation by the Stenographer Gr-I, script thereof is revised, corrected and then pronounced by me in Open Court on this the 2nd day of April, 2026)

[USHARANI],
Principal District & Sessions Judge,
Mysuru.

ANNEXURE**Witnesses examined for the prosecution:**

P.W.1	Shobha Erappa Kakkaiahnavar
P.W.2	Manjula
PW-3	B M Purushothama
PW-4	Rohan Kumar
PW-5	Victim
PW-6	Sarojini
PW-7	Anitha S

Witnesses examined for the defence: NIL**Documents marked for the prosecution:**

Ex.P.1	Mahazar
Ex.P. 1[a]	Signature of PW- 1
Ex.P. 1[b]	Signature of CW- 2
Ex.P. 1[c]	Signature of PW- 2
Ex.P. 1[d]	Signature of PW- 6
Ex.P. 2	Complaint
Ex.P. 2[a]	Signature of PW- 3
Ex.P. 3	Statement of PW- 4
Ex.P. 4	Statement under Section 164 of Cr.P.C.
Ex.P. 4[a]	Signature of PW- 5
Ex.P. 5	Statement of victim
Ex.P. 5[a]	Signature of PW- 5
Ex.P. 5[b]	Signature of PW- 6

Ex.P. 6 to 11	6 photographs
Ex.P. 12	School admission register
Ex.P. 12[a]	Signature of PW- 7
Ex.P. 12[b]	Signature on photograph
Ex.P. 13	School register
Ex.P. 14	Letter
Ex.P. 14[a]	Signature of PW- 7
Ex.P. 15	Mahazar
Ex.P. 16	Request letter
Ex.P. 17	Admission register extract
Ex.P. 18	Admission register
Ex.P. 19	Certificate of victim girl
Ex.P. 20	FSL report
Ex.P. 21	Sample seal

Documents marked for the defence: NIL

Material objects marked for prosecution:

Nil

[USHARANI],
Principal District & Sessions Judge,
Mysuru.