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Special (POCSO) Case No.26/2020

Exh.

Form No. XXXII

Part 'A'

(Title Page of Judgment)

(Para 44(i) of Chapter VI of Criminal Manual)

	IN THE SPECIAL COURT AT HINGOLI, DISTRICT HINGOLI Present : Smt.S.N.Mane-Gadekar Special Judge & Additional Sessions Judge, Hingoli [Special (POCSO) Case No.26/2020]	
	(FIR No.684/2019, p/u/Secs.363, 376(2)(n), 366(A) of the Indian Penal Code and under Sections 3(1)(4), 4(1) (8) of the Protection of Children from the Sexual Offences Act, City Police Station Hingoli)	
Complainant		THE STATE OF MAHARASHTRA Through Police Inspector, City Police Station, Hingoli
REPRESENTED BY		Shri N.S.Mutkule, Learned A.P.P. for the State
ACCUSED		Balu Babarao Bangar, Age: 26 years, Occu: Agril., R/o 'Niranjan Baba Chowk', Hingoli Dist.: Hingoli

REPRESENTED BY	Mr.M.S.Sakle, Advocate
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Part – 'B'

(Para 44 (ii) of Chapter VI of Criminal Manual)

Date of Offence	26.12.2019
Date of FIR	26-12-2019
Date of Charge sheet	26-02-2020
Date of Framing of Charge	09-06-2025
Date of commencement of evidence	23-06-2025
Date on which judgment is reserved	02-07-2025
Date of the Judgment	02-07-2025
Date of the Sentencing Order, if any	..Nil..

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on bail	Offences charges with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C
(1)	Balu Babarao Bangar	29.12.2019	29.12.2019	U/ Secs.363, 376(2)(n), 366 IPC with Sec.3 r/w Sec.4 & Sec.7 p/u/Sec. 8 of the POCSO	Acquitted	-Nil-	---

Part 'C'

(Para 44 (iii) of Chapter VI of Criminal Manual)

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

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Gajanan Babanrao Chavhan	Complainant/Informant
PW 2	Radhika Balu Bangar	Victim

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	-	--

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	-	--

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

Sr. No.	Exhibit Number	Description
1	PW1 Exh.32	Report/complaint

B. Defence :

Sr. No.	Exhibit Number	Description
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C. Court Exhibits :

Sr. No.	Exhibit Number	Description
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D. Material Objects :

Sr. No.	Material Object Number	Description
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JUDGMENT

(Delivered on 2nd day of July, 2025)

1] The accused is facing trial for the offences punishable under Sections 363, 376(2)(n), 366(A) of the Indian Penal Code and under Sections 3 r/w Sec.4 and Sec.7 r/w Section 8 of the Protection of Children from Sexual Offences Act(For short, POCSO) Act.

The brief facts of the prosecution case are as under :

2] The informant lodged the First Information Report on 27.12.2019. His daughter had gone to 'Sai Mandir' on 26.12.2019 at about 08.00 P.M., but she did not return at home. Therefore, informant took search for her and made inquiry towards the relatives, however she

did not find. Report was lodged by making allegations that some unknown person for the unknown reason has kidnapped his daughter. On the report, the investigation set in motion. Offence came to be registered at first.

3] The Investigating Officer recorded the statements of the witnesses, prepared spot panchnama, collected caste certificate and medico legal cum injury certificate, search and seizure panchnamas were conducted. After completion of the investigation, charge-sheet came to be filed.

4] I framed the charge at Exh.28 for the offences punishable under Sections 363, 366(A), 376(2)(n) of the Indian Penal Code and Section 3 punishable under Section 4 of the Protection of Children from Sexual Offences Act, and Section 7 punishable with Section 8 of the Protection of Children from Sexual Offences Act against the accused. The contents of the charge were read over and explained to the accused in vernacular, to which, he pleaded not guilty and claimed to be tried. There being no incriminating evidence against the accused, therefore, his statement under Section 313 of the Criminal Procedure Code is dispensed with by passing order below Exh.01 on 02.07.2025.

6] The following points arise for determination and their findings with reasons thereon are as under :

<u>Sr.No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1	Does the prosecution prove that on 26.12.2019 at Hingoli road, the accused kidnapped the daughter of complainant by taking her and enticing her from the lawful guardianship of her	

	parents ?	In the negative
2	Does the prosecution further prove that since 26.12.2019 from time to time at different places, committed repeated penetrative sexual assault and raped upon the minor victim?	In the negative.
3	Does the prosecution prove that the accused kidnapped the daughter of complainant with intent that the victim may be compelled to marry with the accused against her will?	In the negative
4	Does the prosecution prove that since 26.12.2019 at different places, committed sexual assault upon the victim ?	In the negative
5	What Order ?	The accused is acquitted as per final order.

: **REASONS** :

POINT NOS. 1 TO 4 :-

5] The point Nos.1 to 4 are inter-related with each other, therefore, they are decided together in order to avoid repetition of the facts.

8] PW1 Gajanan, informant stated in his evidence that due to dispute in between his daughter and his wife, daughter left the house. Therefore, he lodged the complaint, which bears his signature Exh.32. The witness resiled from his previous statement and failed to support the prosecution's case. During cross examination, the prosecution failed to bring on record that the victim eloped with the accused or he kidnapped the victim and the accused committed a rape upon his daughter though he had a knowledge about the age of victim.

9] PW2-victim stated that informant is her father. She is acquainted with the accused. As dispute raised with her mother, so she went to Sambhaji Nagar. Police caught her at the bus stand and handed over her custody to her parents. Police obtained her signatures. She was called by the Court for inquiry. Like her father, she also failed to support the prosecution's case and stated that she herself left her house and went to Sambhaji Nagar.

10] The defence admitted spot panchnama Exh.34, medical papers Exh.35, 36 and 41 seizure panchnama Exh.37 to 39, arrest panchnama Exh.40, but mere these documentary evidence is not sufficient to hold that the accused guilty for Sections 363, 366(A), 376(2)(n) of the Indian Penal Code and Section 3 punishable under Section 4 of the Protection of Children from Sexual Offences Act, and Section 7 punishable with Section 8 of the Protection of Children from Sexual Offences Act. The informant and the victim, both denied the suggestions of the prosecution that the accused kidnapped her and committed a rape upon her though he had a knowledge about her age. Admission of defence does not amount to admission of the truth of all the contents. In short, there is no cogent and trustworthy evidence on record to hold the accused guilty for the charges levelled against him. Therefore, the accused is entitled to be acquitted from the alleged offences.

11] I have gone through the proceeding. The muddemal property stood at Exh.02, appears to be worthless. So also, the muddemal property has not been deposited in the Court by the concerned police station. Therefore, it would be appropriate to direct the concerned Police Station to destroy it after the appeal period is over. Moreover, it

appears that the seized mobile of VIVO company has already been handed over to Amit Reaghunathrao Banagar on suprutnama dtd.16.03.2020, a relative of accused. Hence, it would be proper to direct him to retain it. Hence, I record my finding as to point Nos.1 to 4 as above and for point No.5, I pass the following order :

ORDER

- 1 The accused is hereby acquitted under Section 235(1) of the Criminal Procedure Code for the offences under Sections Sections 363, 366(A), 376(2)(n) of the Indian Penal Code and Section 3 punishable under Section 4 of the Protection of Children from Sexual Offences Act, and Section 7 punishable with Section 8 of the Protection of Children from Sexual Offences Act.
- 2 The bail bonds of the accused stand cancelled.
- 3 The accused is directed to furnish Personal bond of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount, under Section 437-A of the Code of Criminal Procedure for his appearance before the Hon'ble Appellate Court, if appeal is preferred.
- 4 The concerned Police Station is directed to dispose of the muddemal property, except VIVO company mobile, being worthless, after the appeal period is over, in accordance with law.
- 5 The seized mobile of VIVO company has already been handed over to Amit Raghunathrao Bangar, on suprutnama dtd.16.03.2020, a relative of Balu Babarao Bangar. Hence, he is directed to retain it, till the period of appeal is over.
- 6 A copy of this judgment, be sent to the District Magistrate, Hingoli.

Judgment is pronounced in open Court.

Dated: 02/07/2025

[Smt. S.N.Mane (Gadekar)]
Special & Addl.Sessions Judge-1,
Hingoli

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order is same word for word as per original Judgment/Order.

Name of Steno	:- Azheruddin Siddiqui Stenographer (Grade-I)
Court Name	:- Smt.S.N.Mane (Gadekar) Special/Addl. Sessions Judge-1 Hingoli
Date of Order	:- 02.07.2025
Order signed by the Presiding Officer	:- 02.07.2025
Order Uploaded on	:- 03.07.2025