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IN THE COURT OF SPECIAL JUDGE,PUNE (UNDER THE PROTECTION
 OF CHILDREN FROM SEXUAL OFFENCES ACT,2012)
 AT PUNE.

(Presided over by J.T.Utpat, Special Judge and Addl.Sessions Judge,Pune)

SPECIAL (CHILD) SESSIONS CASE NO.54/2013

The State of Maharashtra)
 (Through Chinchwad police station)) ..Complainant

Vs.

1] Abhijit Mahendra Gawali)
 Age 22 years, Occ.Labour.)
 R/o Anandnagar zopadpatti,)
 Chinchwad,Pune.)
 2] Kumar Vilas Sarode,) ..Accused.
 Age 22 years, Occ.Student,)
 R/o Anandnagar zopadpatti,)
 Chinchwad,Pune.)

...

Appearances:

Smt.H.K.Bari,Special Public Prosecutor for the State.
 Shri Sachin Jadhav, Advocate for the accused.

...

:JUDGMENT:

(Delivered on 31st day of March,2016)

The accused nos.1 and 2 stand prosecuted in this case for the commission of offences punishable u/ss 354-A(i), 324,323,504 r.w.sec.34 of the Indian Penal Code and u/s 7

punishable u/s 8 and u/s 11 punishable u/s 12 of the Protection of Children from Sexual Offences Act,2012 (hereinafter referred to as the POCSO Act, for short), for allegedly having outraged the modesty of the complainant P.W.1-victim girl (name withheld) and at the same time,they are alleged to have assaulted the victim girl, her brother and mother.

2] Narrated briefly the prosecution story as alleged in the complaint Ex.7 is that the victim girl(P.W.1) at the relevant time was 16 years old and she was taking education in 10th Std. The victim girl resides at Anandnagar slum area, Chinchwad Pune along with her mother Surekha Bhaskar Gaikwad (P.W.2), father- Bhaskar Gaikwad, brother- Bhushan (P.W.4), and sister Ashwini. They have one defunct grocery shop by the side of their house.

3] It is alleged that the incident in question took place on 19.7.2013 at about 5.30 p.m. At that time, the complainant was waiting near her defunct grocery shop for the arrival of her father. At that time, the accused Abhijit Mahendra Gawali,Kumar Vilas Sarode (accused nos.1 and 2) and one Digambar (absconding accused No.3), all r/o Anandnagar slum,Chinchwad came there from Pune Bombay highway,they were drunk. It is further alleged that on seeing the complainant, the said accused stated her “तुझे बॉल किती चांगले आहेत”. Thereon, the complainant asked the accused as to why they were uttering those words. That time, the accused Abhijit and Kumar Sarode came near the complainant, touched her breast and pressed it. Because of

that, the modesty of the victim girl was outraged.

4] It is further alleged that as such, the victim girl raised her voice. On hearing her voice, her mother and brother (P.Ws.2 and 4) rushed there. They also saw the accused touching body of the victim girl. On seeing that, the mother of the victim girl abused the accused, they also abused mother of the victim girl. Thereafter, the accused dealt fist blows to the brother and mother of the victim girl. It is further alleged that thereafter, the accused Abhijit Gavali rushed to his house and brought one iron rod and beat by it to her brother on his right hand and because of it, he sustained injury to his right thumb. The accused Kumar Sarode beat the victim girl near her ear. Thereafter, uncle of the victim girl Kamlakar Gaikwad (P.W.7), Nikhil Mhaske (P.W.5) came there and they separated the quarrel. Thereafter, the victim girl came to Chinchwad police station along with her mother and she lodged the complaint Ex.7.

5] On the strength of that complaint, C.R.no.153/2013 was registered and the P.W.9 Smt.Seema Rajaram Surve, A.P.I, was entrusted with the investigation of the offences. In the course of investigation, the Investigating Officer prepared the spot panchanama, recorded statements of the witnesses, got the injured witnesses medically examined and after completion of investigation, the charge-sheet against the accused came to be filed in Special Court, Pune.

6] The accused nos.1 and 2 pleaded not guilty and

claimed to be tried when the particulars of the charge Ex.3 were read over and explained to them in vernacular by my learned predecessor in title. The defence of the accused which emerges from the line of the cross examination of the material prosecution witnesses is that at the time of incident, there was some altercation of words between accused and the victim girl, however, they have been falsely implicated in this case. No defence evidence has been led.

7] Upon hearing the Ld.Special Public Prosecutor Smt. H.K.Bari and the Ld.Adv.for the accused Shri S.T.Jadhav, the following points arise for my determination:

- 1] Whether on 19.7.2013 at about 5.30 p.m. on the road in front of shop situated beside the house of complainant at Anand Nagar, Chinchwad,Pune, accused nos.1 and 2 along with absconding accused Digambar Yuvraj Kamble,in furtherance of their common intention, uttered the words to complainant (name withheld) a minor girl aged 16 years, as “तुझे बॉल किती चांगले आहेत” and accused nos.1 and 2 pressed her breasts,with intention to outrage her modesty and intending to physical contact and advanced involving unwelcome and explicit sexual overtures to the said complainant and thereby committed an offence punishable u/s 354-A(i) r.w.sec.34 of the I.P.C.?
- 2] Whether on the aforesaid date,time and place and during the course of same transaction, accused nos.1 and 2 along with the above named absconding accused, in furtherance of their common intention, voluntarily caused

hurt to Bhushan Bhaskar Gaikwad by means of iron rod, which if used as a weapon of offence, was likely to cause death and thereby committed an offence punishable u/s 324 r.w.sec.34 of the I.P.C.?

- 3] Whether on the aforesaid date, time and place and during the course of the same transaction, accused nos.1 and 2 along with the above named absconding accused, in furtherance of their common intention, voluntarily caused hurt to the complainant and Sau. Surekha Bhaskar Gaikwad and thereby committed an offence punishable u/s 323 r.w.sec.34 of the I.P.C.?
- 4] Whether on the aforesaid date, time and place and during the course of the same transaction, accused nos.1 and 2 along with the above named absconding accused, in furtherance of their common intention, intentionally insulted and thereby gave provocation to the complainant, intending or knowing it to be likely that such provocation will cause the said complainant and her mother and brother to commit breach of public peace or to commit any other offence and thereby committed an offence punishable u/s 504 r.w.sec.34 of the I.P.C.?
- 5] Whether on the aforesaid date, time and place and during the course of same transaction, accused nos.1 and 2 with sexual intent, touched the breasts of the said complainant and thereby committed an offence u/s 7 punishable u/s 8 of the Protection of Children from Sexual Offences Act, 2012?
- 6] Whether on the aforesaid date, time and place and during the course of same transaction, accused nos.1 and 2 along with above named absconding accused,

uttered the words to the said complainant as “तुझे बॉल किती चांगले आहेत” and committed sexual harassment to the said complainant and thereby committed an offence u/s 11 punishable u/s 12 of the Protection of Children from Sexual Offences Act,2012?

7] What order?

8] My findings on the above points are as below for the following reasons:

- 1] Affirmative.
- 2] Affirmative.
- 3] Affirmative.
- 4] Negative.
- 5] Affirmative.
- 6] Negative.
- 7] As per the final order.

REASONS

9] The prosecution in its efforts to prove the offences against the accused beyond reasonable doubt, has examined following nine witnesses and closed the oral evidence vide purshis Ex.33:

- 1] The victim girl (name withheld) P.W.1 Ex.6.
- 2] Surekha Bhaskar Gaikwad (mother of the victim girl) P.W.2 Ex.9.
- 3] Nirmala Narbahadur Nepali, (Eye witness),P.W.3 Ex.10

4] Bhushan Bhaskar Gaikwad (brother of the victim girl and the injured) P.W.4 Ex.13.

5] Nikhil Sahebrao Mhaske (eye witness) P.W.5 Ex.14.

6] Kisan Limbaji Kamble (spot panch witness) P.W.6 Ex.17.

7] Kamlakar Ambadas Gaikwad (eye witness and uncle of the victim girl) P.W.7 Ex.19.

8] Dr.Kishorkumar Vasantrao Hande (Medical Officer) P.W.8 Ex.22.

9] Smt.Seema Rajaram Surve, A.P.I.(Investigating Officer) P.W.9 Ex.29.

10] In addition to it, the prosecution has relied on the spot panchanama Ex.18 and the medical certificates Ex.23 to 25.

11] **Point nos.1 to 6:**

Before I discuss the prosecution evidence, I would like to mention that the victim girl P.W.1 has stated in her evidence that her date of birth is 27.2.1999. It is pertinent to note here that this aspect has not at all been challenged in the cross examination of the victim girl P.W.1. the incident in question has taken place on 19.7.2013. Therefore, the mathematical calculation will show that on the date of incident, the victim girl P.W.1 was below 18 years of age and as such, minor within the meaning of sec.2(d) of the POCSO Act.

12] It is further important to mention here that the defence in the cross examination of the P.W.4 Bhushan Gaikwad

has taken a stand that on that day, at that time, the quarrel was going on between his mother and Ratna Gavali and therefore, he ran towards that place. It is the further case of the accused that he himself i.e.P.W.4, victim girl P.W.1 and their mother P.W.2 were assaulting Ratna Gavali and when they were removing saree of Ratna Gawali, the accused came there to help her and rescue her. It is the further case of the accused that thereafter, the prosecution witnesses have involved all the accused in this case falsely. The P.W.4 has flatly denied these suggestions. However, on the basis of the said stand taken by the accused in the cross examination of the P.W.4, it can be said that the presence of the material prosecution witnesses and the accused at the time of incident is not in dispute. So also, it is the case of the accused that some trifle incident had taken place. In view of these facts, I find that the evidence of the P.W.6, spot panch witness and the contents of spot panchanama Ex.18 need not be discussed. So also, the P.W.9 is the Investigating Officer. The P.W.9 has deposed in her evidence about the steps taken by her in the course of investigation. As such, her evidence is not too much important except for proving the contradictions and omissions. Thus, the entire prosecution case hinges round the testimony of the P.Ws.1 to 5 and 7 and I have to scrutinize their evidence with a view to see whether their evidence inspires the confidence.

13] The victim girl P.W.1, as far as the actual incident is concerned, has stated in her evidence that on 19.7.2013 at about 5.30 p.m., she was standing in front of their closed (defunct) grocery shop and she was waiting for her father, who

had gone to Pune, she knows Abhijit Mahendra Gavali (accused no.1), Kumar Vilas Sarode (accused no.2) and one Digambar (absconding accused), as they reside near her house. All these three persons at that time came near her house. That time, she was standing near to their shop. The P.W.1 has further stated in her evidence that all of them started saying her that she is having good breast. All of them were under the influence of liquor. All of them touched her breast, so she shouted loudly. Her mother and brother came out of the house. Her mother shouted towards them.

14] The P.W.1 has further stated that then all accused assaulted her mother and brother by hand blows. Her mother and brother had seen when accused were touching her body. According to the P.W.1, then, accused Abhijit ran away towards his house, brought iron rod and gave a blow of iron rod on the right hand of her brother. Her brother faced (sustained) bleeding injury. When she and her mother were rescuing him, then Kumar (accused no.2) gave blow of his hand to her ear. When she was rescuing her brother, that time, accused Abhijit gave blow of iron rod at her left hand, then, her uncle Kamlakar Gaikwad(P.W.7) and Nikhil Mhaske(P.W.5) were passing on the road and they came and rescued them. According to the P.W.1, then she herself and her mother went to police station and lodged complaint Ex.7.

15] The above evidence of the P.W.1 has been subjected to searching cross examination at the hands of the learned Adv.for accused Shri S.T.Jadhav. The main attack on the

evidence of the P.W.1 is that on the day of the incident , some incident occurred but not in the manner as stated by the P.W.1. It is further contended that the accused hail from same locality of P.W.1 and therefore, there was no reason for them to outrage the modesty of the P.W.1. It is further contended that place of incident is crowded area and as such, it is not probable that the accused would outrage the modesty of the P.W.1. It is further contended that the family of the P.W.1 is in habit of lodging false cases against the people from the same locality and therefore, it is contended that the P.W.1 can go to any extent to falsely implicate the accused persons.

16] So far as the above referred evidence of the P.W.1 is concerned, I find that the case of the accused is that mainly father of the victim girl is in habit of lodging complaint against the persons from the same locality. It may or may not be true but I do not find probable that a young minor girl would put her character at stake by lodging such type of complaint against the accused on that count alone. After going through the cross-examination of the P.W.1, I do not find that she has deposed falsely.

17] The Ld.Adv.for the accused Shri S.T.Jadhav contended that there are omissions/contradictions in the evidence of the P.W.1 as to who uttered the words : “तुझे बॉल किती चांगले आहेत”. It is true that there is some inconsistency in the evidence of the P.W.1 about the said aspect. The P.W.1 has admitted in her cross-examination that in her statement recorded before the J.M.F.C. Pune, she has stated that “त्यावेळी दिगंबर मला तुझे बॉल किती

छान आहेत असे म्हणाला” This would show that neither the accused no.1 nor the accused no.2 uttered the said words. However, the evidence of the P.W.1 that accused nos.1 and 2 touched her breast, cannot be doubted.

18] The Ld.Adv.for accused Shri Jadhav further submitted that the victim girl P.W.1 did not get her breasts examined through Medical Officer. Shri Jadhav further submitted that the victim girl even refused to get her examined on this aspect. However, it is pertinent to note that the victim girl P.W.1 has not stated that her breasts were pressed forcefully or that any injury was caused to her breasts. Therefore, the conduct of the P.W.1 victim girl in not getting her breasts examined through the Medical Officer does not make any difference. Therefore, I find that the evidence of the P.W.1 is believable.

19] Now, we shall turn to the case of the prosecution about the assault on P.Ws.1,2 and 4 by the accused persons. The prosecution in order to prove that the P.Ws.1,2 and 4 sustained injuries in the alleged incident, has examined the Medical Officer Dr.Kishorkumar Hande as the P.W.8 at Ex.22. The said witness has stated in his evidence that on 19.7.2013, he was attached to YCM hospital,Pimpri as C.M.O. and on that day, victim girl (P.W.1), Bhushan Bhaskar Gaikwad (P.W.4) and Surekha Bhaskar Gaikwad (P.W.2) had been to YCM hospital for medical examination. Firstly, he examined the victim girl who had come with the history of assault . At the time of her external examination, “contusion admeasuring 2 x 1 x 0.5 cm. each over

lower and mid 1/3rd of left forearm anteriorly“ were seen and accordingly, he has issued the medical certificate Ex.23.

20] According to the P.W.8, at the time of examination of Bhushan Gaikwad, he noted the following injury on his person “Deep abrasion admeasuring 0.5 x 0.5 cm.over right hand at the base of an index finger,extensor aspect”. Similarly, the P.W.8 at the time of examination of Surekha Gaikwad noted the following injury “Contusion admeasuring 2 x 1 x 0.5 cm.over mid 1/3rd of left forearm laterally” and accordingly has issued medical certificates Ex.24 and 25.

21] The P.W.8 has stated in his cross-examination that when the above persons had been to YCM hospital, they were not having yadi issued by police . In my view, merely because the police had not issued any yadi, the said fault cannot be attributed to the conduct of the P.Ws.1,2 and 4. The P.W.8 has further stated in his evidence about witnesses while giving the history, did not disclose the name of assailants. Possibly, this might not have been asked accordingly and as such, they might not have named assailants since as mentioned earlier, the presence of the P.Ws.1,2 and 4 at the relevant time on the spot is not seriously disputed. Not mentioning the names of assailants is not fatal. The P.W.8 has further stated in cross-examination that the contusions and abrasions are possible if a person falls on surface in a vehicular accident. This is the opinion evidence which cannot be allowed to discard the ocular account of the incident given by the material prosecution

witnesses.

22] The P.W.2 Surekha Gaikwad, mother of the victim girl has stated in her evidence that the date of incident is 19.7.2013. It was 5.30 p.m. That time, she and her son Bhushan were present in the house. Her daughter -victim girl was in the house. According to the P.W.2, she (P.W.1) went out of the house to see whether her father had come. Thereafter, after some period, she heard shouts of the victim girl. So she and Bhushan came out of the house immediately and saw Abhijit Gavli, Kumar Sarode and Digambar were teasing her daughter by touching her body . According to the P.W.2, she herself and her son Bhushan abused those persons.

23] The P.W.2 has further stated that all the accused assaulted her and Subhash (it should be Bhushan) by hands. Abhijit went to his house and brought iron rod and gave a blow of it on the right hand of her son Bhushan. He sustained injury there. Then, Kamlakar (P.W.7) and Nitin (it should be Nikhil) Mhaske came there and they rescued them. Then, she and the P.W.1 went to Chinchwad police station, where, the P.W.1 lodged the complaint. The evidence of the P.W.2 further shows that she has identified both the accused as well as muddemal iron rod used in committing the offence.

24] The evidence of the P.W.2 has also been subjected to the test of cross-examination at the hands of Ld.Adv.for accused Shri Jadhav. Same grounds of attack as levelled against the

evidence of P.W.1 have been raised for disbelieving the evidence of the P.W.2. In my opinion, merely because counter case is lodged by the mother of the accused Gavli, it cannot be presumed that the present case is false one. In counter cases, the possibility of both the cases being true, both the cases being false or one case being true and one case being false, cannot be ruled out. As mentioned earlier, the evidence of the P.W.2 about assault on her and her son and daughter is supported by medical evidence. Hence, I do not find any reason to disbelieve the evidence of the P.W.2.

25] The prosecution has examined another injured Bhushan Bhaskar Gaikwad, the brother of the victim girl as P.W.4 at Ex.13. The said witness has also deposed in his evidence more or less the same facts as have been alleged by the P.W.2. Same grounds raised for attacking the evidence of the P.Ws.1 and 2 have been again raised for attacking the evidence of the P.W.4 but since I have discussed the same thing in earlier, I do not find it necessary to repeat it. The evidence of the P.W.4 about assault on him is well corroborated by the evidence of the Medical Officer P.W.8.

26] The above evidence of the P.Ws.1,2 and 4 is further corroborated by the evidence of independent witnesses i.e. P.Ws.3 and 5. The P.W.3 Nirmala Narbahadur Nepali, so far as the incident in question is concerned, has stated in her evidence that on 19.7.2013 at about 5.00 p.m., she was present in her house on 2nd floor. That time, she heard the quarrel from ground

at 5.00 to 5.30 p.m. After hearing quarrels from outside, she came out of her house and came down and she noticed there all the accused, victim girl, Ashwini, Bhushan and mother of the P.W.1 were present. According to the P.W.3, the P.W.2 i.e. Surekha is the mother of Ashwini and Bhushan. Quarrel was going on in between those two boys. According to the P.W.3, accused before court and one Digambar were assaulting Bhushan, she had seen it. The adjoining people rescued the dispute. The further evidence of the P.W.3 about accused teasing the victim girl - P.W.1 is based on hearsay information and therefore, need not be considered. However, the evidence of the P.W.3 supports the prosecution case that the accused assaulted Bhushan. There is nothing in the cross examination of the P.W.3 to disbelieve her evidence. On the contrary, it is seen from her cross-examination that she is the tenant of the P.Ws.1,2 and 4. Therefore, the presence of the P.W.3 at the time of incident is quite probable and natural.

27] The P.W.5 Nikhil Mhaske is another independent witness. So far as the incident is concerned, the P.W.5 has stated in his evidence that the incident in respect of the P.W.1 occurred on 19.7.2013, at that time, he was serving in medical shop, on that day, he was returning to his house from house of the P.W.1 at about 5.30 p.m. At that time, Abhijit and Kumar Sarode were assaulting Bhushan. One more boy was there. The victim girl and one Kaka (possibly P.W.7) came there. Mother of the victim girl was present there. Bhushan was assaulted by hand blows and he was also assaulted by iron rod. They rescued Bhushan.

The evidence of the P.W.5 further shows that he has identified both the accused and iron rod used in the offence.

28] The evidence of the P.W.5 is tried to be assailed on the ground of his working hours in the shop from 12.30 noon to 6.00 p.m. The incident in question took place at about 5.30 p.m and therefore, according to the defence, the P.W.5 could not have been present on the spot at that time. The possibility of the P.W.5 leaving his shop earlier on that day cannot be ruled out. It is also contended that the P.W.5 is the friend of Bhushan and as such, he is deposing false. However, I do not find any merit in the said contention.

29] The P.W.7 Kamlakar Ambadas Gaikwad is the uncle of the victim girl. According to him, the incident took place on 19.7.2013 at about 5.00 to 5.30 p.m. On that day, he returned to his house at about 5.00 p.m. by doing his rickshaw business. House of his brother is situated behind his house. According to the P.W.7, at the time of incident, he heard the noise of hue and cry from the back side of his house. Hence he came there. When he came there, he saw that Abhijit Gavali, Kumar Sarode and one Kamble were there, they were abusing the daughter of his brother. According to the P.W.7, they (accused) were drunk. Thereafter, the accused Abhijit Gawali beat Bhushan by iron rod on his hand. Thereafter, he called his sister in law(Vahini) Surekha and he sent Bhushan and the victim girl in the police station.

30] Further evidence of the P.W.7 about outraging the modesty of his niece (P.W.1) is based on the information given to him by his niece. Since he has not witnessed the said incident, said evidence of the P.W.7 need not be considered. As a result of it, omissions appeared in the police statement of the P.W.7 as regards the said incident also need not be discussed. After perusal of the cross-examination, I do not find any thing to disbelieve his evidence. Some minor contradictions here and there about the sequence of events narrated by the P.W.7 cannot be said to be fatal to discard his evidence. It may further be noted that some contradictions here and there in the evidence of the prosecution witnesses is the guarantee of the truth. If the prosecution witnesses disclose the incident on the same line, then, their evidence would be alleged to be parrot like version.

31] Thus considered the evidence on record, I find that the prosecution has successfully established that the accused nos.1 and 2 outraged the modesty of the victim girl P.W.1 within the meaning of sec.354(A)(i) of the I.P.C. r.w.sec.8 of the POCSO Act. So also, the prosecution has also proved the offences punishable u/ss 324,323 r.w.sec.34 of the I.P.C. against the accused nos.1 and 2 for having assaulted the P.Ws.1,2 and 4.

32] It is pertinent to note here that none of the prosecution witnesses has stated the specific abusive words allegedly uttered by the accused at the time of incident. In the absence of specific abusive words on record, I am of the opinion

that sec.504 of I.P.C. is not attracted. So also, after having considered the facts very carefully, I am of the further view that the prosecution is not able to prove the offence punishable u/s 12 of the POCSO Act. Hence, I answer point nos.1 to 6 accordingly.

33] Now comes the question of sentence to be inflicted against the accused. I heard the accused nos.1 and 2 on the point of sentence. However, both the accused submitted that their Advocate is absent now and they prayed for time till his arrival. So also, the Ld.Special Prosecutor Smt.Bari is also absent. Hence, adjourned till recess time is over.

34] I again heard the accused nos.1 and 2 on the point of sentence. They submitted that they do not have to say anything.

35] I heard the learned Adv.for the accused Shri S.T.Jadhav. Shri Jadhav submitted that the accused are young boys, there are no criminal antecedents against them. Shri Jadhav further submitted that so far as the accused no.1 is concerned, his father has expired and his mother is the only bread winner of the family. Therefore, Shri Jadhav prayed for taking lenient view.

36] I also heard the Ld.Special Prosecutor Smt.Bari. Smt.Bari, considering the facts on record, submitted that an appropriate sentence be passed.

37] After having considered the above submissions by the learned Advocates for both the sides and taking into consideration the nature of the offences, I think that the following order will meet the ends of justice. Hence, the order:

:ORDER:

1] The accused No.1] Abhijit Mahendra Gawali and accused no.2] Kumar Vilas Sarode are hereby convicted u/s 235(2) of Cr.P.C.,1973, of the offence punishable u/s 354-A(i) r.w.sec.34 of the Indian Penal Code and each of them is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/-each in default to suffer further R.I. for one month each.

2] The accused No.1] Abhijit Mahendra Gawali and accused no.2] Kumar Vilas Sarode are hereby convicted u/s 235(2) of Cr.P.C.,1973, of the offence punishable u/s 324 r.w.sec.34 of the Indian Penal Code and each of them is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/-each in default to suffer further R.I.for one month each.

3] The accused No.1] Abhijit Mahendra Gawali and accused no.2] Kumar Vilas Sarode are hereby convicted u/s 235(2) of Cr.P.C.,1973, of the offence punishable u/s 323 r.w.sec.34 of the Indian Penal Code and each of them is sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.500/-each in default to suffer further R.I. for seven days each.

4] The accused No.1] Abhijit Mahendra Gawali and accused no.2] Kumar Vilas Sarode are hereby convicted u/s 235(2) of Cr.P.C.,1973, of the offence u/s 7 punishable u/s 8 of the Protection of Children from Sexual Offences Act,2012 and each of them is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.1000/-each in default to suffer further R.I.for nine months each.

5] The accused nos.1 and 2 are hereby acquitted u/s 235(1) of Cr.P.C.1973, of the offences punishable u/s 504 r.w.sec.34 of the Indian Penal Code and u/s 11 punishable u/s 12 of the the Protection of Children from Sexual Offences Act,2012.

6] The above substantive sentences shall run concurrently.

7] The record shows that the accused nos.1 and 2 were in jail from 21.7.2013 to 17.8.2013 and 12.8.2013 respectively. The said period is given set off u/s 428 of Cr.P.C.

8] The accused nos.1 and 2 to surrender to their bail bonds.

9] The muddemal property and police papers be preserved as the accused no.3 is still absconding.

Date -31.03.2016

(J.T.Utpat)
Special Judge, Pune
(Under the Protection of Children
from Sexual offences Act)

“ I affirm that the contents of this P. D. F. file Judgment are same word for word as per original Judgment.”

Name of steno	: Sou.S.V.Sane
Name of Court	: Shri J.T.Utpat, Special Judge, & Addl.Sessions Judge, Pune. (District Judge-3, Pune.)
Date	: 31.03.2016
Judgment signed by Presiding Officer on.	: 31.03.2016
Judgment uploaded on.	: 31.03.2016