


MHAH130002552021 	Presented on	:	15.03.2021		
	Registered on	:	15.03.2021		
	Decided on	:	30.03.2026		
	Duration	:	Y.	M.	D.
			05	00	15

Part 'A'

(Title Page of Judgment)

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

<u>IN THE COURT OF SPECIAL JUDGE (POCSO ACT),</u> <u>AT : NEWASA, DIST. AHMEDNAGAR</u> (Presided over by : Haribhau R. Waghmare)	
	SPECIAL CASE NO.100/2021 Exh. No.111
	Date of the Judgment : 30.03.2026
	Crime No.452/2020 Sonai Police Station, Tal. Newasa, Dist. Ahmednagar.
<u>PROSECUTION :</u>	The State of Maharashtra, Through : Police Station Officer, Sonai Police Station, Tal. Newasa, Dist. Ahmednagar.
Represented by :	SPP Shri. V. K. Bhorde
ACCUSED	1. Pratik @ Guddya Daulat Aran, Age : 21 Yrs., Occ. : Labour, 2. Shrikant @ Buttya Madhu Tombare, Age : 22 Yrs., Occ. : Labour, Both R/o. Krushnanagar Slum, Ghodegaon, Tal. Newasa, Dist. Ahmednagar
Represented by :	Adv. Shri. P. C. Nahar and Shri. J. N. Shaikh

Part 'B'

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

Date of Offence	:	19.09.2020
Date of F.I.R.	:	19.09.2020

Date of Charge-sheet	: 15.03.2021
Date of Framing of Charge	: 09.05.2023
Date of Commencement of Evidence	: 15.12.2025
Date on which Judgment is reserved :	: 25.03.2026
Date of Judgment	: 30.03.2026
Date of Sentencing Order, if any	: N.A.

ACCUSED DETAILS

Rank of the accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during trial for the purpose of Sec.428 of Cr.P.C.
1.	Pratik @ Guddya Daulat Aran,	17.11.2020	15.12.2020	U/ss. 363, 365, 354-A, 354-B and 307, 452, 342, 323, 506 r/w 34 of IPC & U/s. 7 P/U/s. 8 of POCSO Act	Acquitted	N/A	N/A
2.	Shrikant @ Buttya Madhu Tombare	27.02.2022	12.04.2022	U/ss. 363, 365, 366-A and 307, 452, 342, 323, 506 r/w 34 of IPC	Acquitted	N/A	N/A

Part 'C'

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

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. PROSECUTION :

Rank	Name	Nature of Evidence
PW-1	Father of victim	Informant
PW-2	Victim/child	Victim
PW-3	Dnyaneshwar Kacharu Thorat	Investigating Officer
PW-4	Dr. Bagwan Mohsin Mohammad Husen	Medical Officer
PW-5	Anil Shivaji Pathare	Panch

B. DEFENCE WITNESSES, IF ANY :

Rank	Name	Nature of Evidence
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C. COURT WITNESSES, IF ANY :

Rank	Name	Nature of Evidence
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. PROSECUTION :**

Sr.No.	Exhibit Number	Description
1.	Exh.30	Charge
2.	Exh.31 & 32	Plea of accused
3.	Exh.80/PW-1	FIR dtd.19.09.2020
4.	Exh.92/PW-3	Birth Certificate of victim
5.	Exh.98/PW-4	MLC of victim
6.	Exh.101/PW-4	Opinion of Medical Officer about the injuries
7.	Exh.103(Exh.82)/PW-5	Spot panchanama dtd. 20.09.2020

B. DEFENCE :

Sr.No.	Exhibit Number	Description
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C. COURT WITNESSES, IF ANY :

Sr.No.	Exhibit Number	Description
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D. MATERIAL OBJECTS :

Sr.No.	Material Object Number	Description
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:: J U D G M E N T ::

(Delivered on this 30th Day of March, 2026)

Accused have faced the trial on the accusations that they kidnapped victim girl child, outraged her modesty, attempted to commit her murder, and thereby, committed offence P/U/Secs. 363, 365, 354-A, 354-B, 307, 452, 342, 323, 506 r/w 34 of of the Indian Penal Code (*For short 'IPC'*) and U/s. 7 P/U/s. 8 of of the Protection of Children from Sexual Offences Act (*For short 'POCSO Act'*).

2] In brief, prosecution case is that victim's father lodged FIR Exh.80 with Sonai Police Station contending that in the intervening night of 18.09.2020 and 19.09.2020, in the midnight at 12.00 Hrs., victim made to woke up him from the sleep and told that 'when she was sleeping in the house, two persons lifted her to irrigation colony, one of them, went therefrom, another person took her to room No.1 and slapped on her face, he made to sit her in the room, there was smell of liquor to his mouth, and thereafter, he went therefrom'.

3] Based on this report, police registered CR No.452/2020 for the offence P/U/Secs. 365, 342, 452, 323 r/w 34 of IPC. Its investigation was made over to API Dnyaneshwar Thorat (PW-3). He visited the spot and drawn spot panchanama, recorded statements of the witnesses, referred the victim for medical examination and got recorded her statement U/Sec. 164 of Cr.P.C. In the investigation I.O. revealed that accused kidnapped the victim girl child with an intention to murder her by pressing her neck and outraged her modesty. Accordingly, IO submitted the charge-sheet against the accused for the offences stated in the opening para of

the judgment.

4] During the trial, both the accused are on bail.

5] My predecessor framed charge at Exh.30 for the offences P/U/Secs. 363, 365, 354-A, 354-B and 307, 452, 342, 323, 506 r/w 34 of IPC & U/s. 7 P/U/s. 8 of POCSO Act against accused No.1 and for the offences P/U/Secs. 363, 365, 366-A and 307, 452, 342, 323, 506 r/w 34 of IPC against accused No.2. Accused pleaded not guilty and claimed to be tried. From the line of cross-examination of the prosecution witnesses and statements U/Sec. 313 of Cr. P. C., defence of the accused is all total denial and false implication in the crime.

6] Following points arise for determination and I record findings thereon for the reasons followed thereafter :

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Does the prosecution prove that on 18.02.2020 at 12.00 Hrs., accused kidnapped the victim girl child, outraged her modesty and attempted to commit her murder ? ?	NO.
3.	What Order ?	ACCUSED ARE ACQUITTED.

Reasons for the above findings are as follows :

:: R E A S O N S ::

7] To bring home guilt of the accused, prosecution has examined in all five witnesses and also relied on certain documents.

8] In defence, no oral evidence is adduced by the accused.

POINT NO.1 :

9] Victim (PW-2) and her father (PW-1) have deposed that victim's date of birth is 27.07.2010. Victim's birth certificate is placed on record by the prosecution at Exh.92 which shows that victim's date of birth is 27.07.2010. As such, the prosecution proves that at the time of incident, the victim was child.

10] Victim (PW-2) has deposed that on 18.09.2020 at about 12.00 Hrs., she was lifted from the house, but she cannot say how many persons lifted her, nor she can say their names, nor she had seen them. She is declared hostile by the prosecution. In the cross-examination, she has admitted that, at the time of incident, she was 11 years old. She admits that the persons had lifted her to irrigation colony and slapped her, but she denies that the persons attempted to remove her knicker. She has denied that she was called by the police in Tahasil Office for identification parade. But, at the same time, she has deposed that she had identified those persons in the identification parade. She has further deposed that she cannot identify those persons if shown to her. She has denied that she is deposing false to save the accused. As such, her evidence does not show that the accused had kidnapped her.

11] Victim's father (PW-1) has deposed that victim had told him that two thieves had lifted her and slapped her. He has deposed that victim had not told him description of thieves. He has deposed that police had called the victim in Tahasil Office for identification, but he is unable to say that victim had identified the accused. He is not an eyewitness to the incident, nor he specifically says that accused had kidnapped the victim.

12] IO Dnyaneshwar Thorat (PW-3) has deposed that in the identification parate, the victim had identified the accused, but identification parade panchanama is not proved by the prosecution. As such, there is no evidence to show that accused had kidnapped the victim.

13] Panch Anil Pathare (PW-5) is the panch to the spot panchanama Exh.103. Dr. Bagwan Mohsin (PW-4) has deposed that on 19.02.2019, he had examined the victim and found contusion on her right eye, abrasion over neck on both sides and abrasion over pelvic area. However, since the prosecution could not prove that accused had kidnapped the victim, it cannot be said that accused are authors of the injuries found to the victim. In short, prosecution fails to prove either of the charge against any of the accused. **Accordingly, I answer point No.1 in the negative.** Resultantly, both the accused deserve for acquittal. **Point No.2 is answered accordingly.**

In the result I pass the following order.

:: ORDER ::

- (1) Accused Nos.1 and 2 stands acquitted and set at liberty U/Sec. 235(1) of Cr. P. C. for the offences P/U/Secs. 363, 365, 354-A, 354-B, 307, 452, 342, 323, 506 r/w 34 of IPC and U/s. 7 P/U/s. 8 of POCSO Act.
- (2) Their bail bonds stand discharged.

Date : 30/03/2026

Place : Newasa

(Haribhau R. Waghmare)

Special Judge & Addl. Sessions Judge,

JO Code : MH001652