

SESSIONS CASE NO.181/2017.

State of Maharashtra Vs. Pralhad Uttam Hajare.

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**ORDER BELOW EX.01.**

(Passed on 20.03.2026)

Matter is posted for argument and judgment when the matter is taken up. It has been noticed that the charge under various offences has been framed at Ex.15 by my Ld. Predecessor on 22.10.2018. Charge is framed under S.354, 376, 376(2)(i), 323, 506 of Indian Penal Code, 1860 and S.4, 6, 8, 12 of the Protection of Children from Sexual Offences Act, 2012. Charge under S.6 of aggravated penetrative sexual assault is framed because it is the prosecution case that victim was 8 years old at the relevant time. Thus the charge under S.6 is framed in view of S.5(m) of POCSO Act. There is no allegation of any other clause being attracted in the case. So same shall be the position in respect of the offence punishable under S.8 and 10 of POCSO Act. When the prosecution comes with a case of commission of sexual assault, S.8 of POCSO Act is prima facie applicable. When the prosecution comes with a case that victim of such sexual assault is below 12 years, offence punishable under S.10 of POCSO Act is prima facie attracted. So by virtue of S.9(m) of POCSO Act, charge under S.10 of POCSO Act should have been framed. In the interest of justice, it is necessary to frame such charge. Hence, additional charge under S.9(m) r/w. S.10 of POCSO Act is framed against the accused.

Date : 20.03.2026.

( A. D. Kshirsagar )  
Additional Sessions Judge, Akola.