

PART "A"

MHAK050002632022 	Received on	:	11.05.2022
	Registered on	:	11.05.2022
	Decided on	:	08.06.2026
	Duration	:	Yrs. Ms. Ds. 04 00 28
<u>BEFORE THE JUDGE, SPECIAL COURT, AKOT, TQ. AKOT, DISTRICT AKOLA.</u> (Presented by : B. M. Patil, Judge, Special Court) <u>Special Case No.32/2022</u> <u>Exh.No.31</u>			
Crime No.56/2022 under section 363, 354 and 354-A of the Indian Penal Code, 1860 and sections 7 and 8 of the Protection of Children From Sexual Offence Act, 2012 registered with police station Hiwarkhed.			
Prosecution	:	The State of Maharashtra, through Police Station, Hiwarkhed Tq. Telhara, District Akola.	
Represented by	:	Learned APP Smt. P. B. Sahare.	
Accused	:	Pratik Arun Aavthe, Age : 19 years, Occu.- Labour, R/o- Bhajibazar, Hiwarkhed Tq. Telhara, District Akola.	
Represented by	:	Learned Advocate Shri M. P. Deo.	

PART "B"

Date of offence	:	15.03.2022
Date of FIR	:	15.01.2022
Date of Charge-sheet	:	11.05.2022
Date of Framing of Charges	:	20.06.2022

Date of commencement of evidence	:	05.06.2026
Date on which judgment is reserved	:	--
Date of the Judgment	:	08.06.2026.
Date of the Sentencing Order, if any	:	--

Accused Details :-

Rank	Name	Date of Arrest	Date of release on Bail	Offences charged with Sections	Whether convicted or acquitted	Sentence imposed	Period of Detention undergone during Trial for purpose of S.428 CrPC.
1	Pratik Arun Avathe.	18.03.2022	01.08.2022	u/s. 363, 354 and 354-A of the Indian Penal Code, 1860 and section 7 and 8 of the Protection of Children From Sexual Offence Act, 2012.	Acquitted	---	---

PART "C"**LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES**• **Prosecution :**

Rank	Name	Nature of Evidence
PW1	Mother of the victim.	Informant.
PW2	Victim.	Witness.

• **Defence Witnesses, if any :**

Rank	Name	Nature of Evidence.
-NIL-		

• **Court Witnesses, if any :**

Rank	Name	Nature of Evidence.
-NIL-		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS• **Prosecution :**

Sr.No.	Exhibit Nos.	Description
1	P21/PW1	Report
2	P22/PW1	Printed FIR
3	P-30	Statement of accused u/s.313 of Cr.P.C.

• **Defence :**

Sr. No.	Exhibit Number	Description
1	P27	Spot panchanama.
2	P28	Arrest form of accused.

• **Court Exhibits :**

Sr. No.	Exhibit Number	Description
-NIL-		

• **Material Objects :**

Sr. No.	Material Object	Description
-NIL-		

-. JUDGMENT :-(Delivered on 8th June 2026)

1) The accused is charged with the offences punishable under sections 363, 354 and 354-A of the Indian Penal Code, 1860 and sections 7, 8 of the Protection of Children From Sexual Offences Act, 2012 (for short the 'IPC' and the 'POCSO Act', respectively).

The prosecution case is as follows :

2) The informant herein (mother of the victim) lodged report at Hiwarkhed Police Station on 15.03.2022 informing that, on that day victim was taking education in 10th standard in a school at Hiwarkhed. On that day at about 06:00 a.m., she left the house for labour work. The victim was to attend her examination at school. At 10:30 a.m., teacher of the victim made phone call to the informant that, the victim did not attend the school. The informant, therefore, went to the school. It was then revealed that, the victim had not attended the school. Younger sister of the victim told that, the victim had left the house at 08:00 a.m. with make-up box. The informant searched for the victim. She could not be traced out. There was love affair between the victim and accused. She, therefore, took suspicion on the accused and lodged the report as to kidnapping.

3) Upon such report, the investigation did swing into motion. Crime No.56/2022 came to be registered initially for the offence punishable u/s.363 of the I.P.C. The investigation was conducted by A.P.I. Neware. He prepared panchanama of spot of incident. He recorded statement of the witnesses, referred the victim for medical examination, collected necessary documents and submitted charge-sheet alleging the offences punishable u/s. 363, 354 and 354-A of the I.P.C., and sections 7 and 8 of the POCSO Act. It was revealed during investigation that, the accused had kidnapped the victim on 15.03.2022. The victim and accused went to Warkhed Fata and to Pune.

4) The charge was framed at against the accused for the offences punishable u/s. 363, 354 and 354-A of the I.P.C., and

sections 7 and 8 of the POCSO Act at Exh-4. The accused pleaded not guilty and claimed to be tried. His defence is of false implication and total denial.

5) The statement of the accused (Exh-30) recorded u/s. 313 of Cr.P.C. According to him, he has been falsely implicated in this case. He has substantially denied all the incriminating circumstances in the said statement. No overt defence is taken by the accused except that of the false implication.

6) Heard learned A.P.P. Smt. P. B. Sahare for the State/ prosecution and learned advocate Shri M. P. Deo for the accused. Perused the available record.

7) The points for determination and findings thereon are as follows -

<u>Sr.No.</u>	<u>Points</u>	<u>Findings</u>
1.	Does the prosecution prove that, accused kidnapped the victim from lawful guardian of her parents and thereby committed an offence punishable under section 363 of the I.P.C.?	No.
2.	Does the prosecution prove that, accused voluntarily used criminal force against the victim with an intention to outrage her modesty and thereby committed an offence punishable under Section 354 of the I.P.C.?	No.

3.	Does the prosecution prove that, accused physically contacted with the victim involving un-welcome and explicit sexual overtures and that you accused thereby committed an offence punishable u/s.354-A of the I.P.C.?	No.
4.	Does the prosecution prove that, accused kidnapped the victim to marry with her though she was not willing to marry and that you accused thereby committed an offence punishable under Section 8 of the Protection of Children From Sexual Offences Act, 2012?	No.
5.	What order?	As per final order.

REASONS

As To Points Nos.1 to 5 :-

8) As all these points are inter-linked hence, those are taken up for discussion under the common head.

9) So far as alleged incident of kidnapping, outraging modesty is concerned, the victim who entered into witness box at Exh-26 deposed that, she had no acquaintance with the accused. He did not kidnap her. He did not do anything to her. Accordingly, she did not support the prosecution case.

10) The informant at Exh-20 deposed that, she found that, the victim was not traceable, therefore, she lodged report Exh-21. She did not state anything incriminating against the accused. Accordingly, neither the victim nor the informant supported the prosecution case as above.

11) So far as documentary evidence is concerned, it may be noted that, mere spot panchanama and arrest panchanama which are admitted by the accused, by itself do not speak of any incriminating circumstance against the accused. Accordingly, the documentary evidence is not sufficient to hold the accused guilty of the prosecution imputations.

12) For all aforesaid reasons, the prosecution case in respect of alleged kidnapping as well as outraging modesty or charged offence is not proved beyond reasonable doubt. Accordingly the prosecution failed to establish the guilt of the accused beyond reasonable doubt.

13) In the totality of circumstances, the prosecution failed to establish guilt of the accused beyond reasonable doubt. Therefore, points under consideration are answered to that tune. The present trial, as such, culminates in acquittal. Hence the order -

ORDER

(1)	Accused Pratik Arun Avathe is hereby acquitted of the offence punishable under sections 363, 354 and 354-A of the Indian Penal Code, 1860 and sections 7 and 8 of the Protection of Children From Sexual Offence Act, 2012, <i>vide</i> Section 235 (1) of the Code of Criminal Procedure, 1973.
(2)	Bail bond of the accused stands canceled.

- | | |
|-----|--|
| (3) | The accused herein is directed to furnish PB and SB of Rs.15,000/-, under Section 437-A of the Code of Criminal Procedure, 1973 for the period of six months from today. |
|-----|--|

Place : Akot.

Date : 08/06/2026.

(B. M. Patil)
Special Judge
Akot.

Certificate

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

Name of Steno : L. S. Raniwal.

Court Name : Additional Sessions Judge, Akot.

Date of Order/Judg. : 08/06/2026.

Signed by Presiding on : 08/06/2026.

Uploaded on : 08/06/2026.