

**IN THE SPECIAL COURT AT BEED, DIST. BEED.**

**Special Case No. 106/2023**

**State  
Vs.  
Akash @ Akshay Nagnath Gaikwad**

**ORDER BELOW EXH. 22**

Accused is being prosecuted by Police Station Ashti, in Crime No. 197/2023, for offence punishable u/sec. 354, 354-A, 354-D, 305 of the Indian Penal Code and under Section 8 and 12 of the POCSO Act.

2. The impugned application is filed by applicant/accused for his discharge u/sec. 227 of Cr.P.C.

3. As per the case of prosecution, victim was 15 years of age at the time of incident. Victim committed suicide on 14/05/2023. A report was given to police station wherein no suspicion was expressed on anyone. Thereafter, on next day i.e. on 15/05/2023, a complaint was filed against the accused wherein it is mentioned that younger and the minor sister of the victim Shivani and Anjali told that accused came to their house, he was talking with the victim. He gave money to them to buy gift and asked them not to come home early. Thereafter, statement of both these younger sister of the victim was recorded along with their statement under Section 164 of Cr.P.C. wherein they stated that when they returned from the shop after buying sweet, they saw victim was crying inside the house. When they asked to victim, she told that accused caught her hand and kissed her and asked not to told anybody. After the incident, victim committed suicide.

4. After crime was registered, spot panchanama was done. Dupatta of the victim was seized, inquest panchanama was conducted. Postmortem was done which reveals that the deceased died due to

(2)

hanging. The accused came to be arrested and statement of the witnesses were recorded.

5. Heard Ld. counsel B. S. Bodkhe for the accused, Ld. APP Smt. M. M. Darade for the State and Ld. counsel A. P. Gandle for the informant. Perused material on record.

6. Earlier on the basis of the report, case of AD was registered. But, on the next day on the basis of disclosure made by two younger sister of the victim crime was registered against the accused. Victim was minor at the time of incident, her birth certificate is filed on record. Thus, the offences punishable under Section 305 of the Indian Penal Code and Section 8 and 12 of the POCSO Act are levelled against the accused. Prima facie statement of the witnesses suggest that due to molestation by the accused, victim has committed suicide. In the opinion of the Court, there is sufficient material against the accused for framing the charge. Prima facie Section 305 of IPC is attracted against the accused. If, no apprehension is expressed in report dated 14/05/2023, that cannot be ground to disbelieve the complaint filed on 15/05/2023 and it cannot be said to be a false complaint. Thus, accused cannot be discharged on this ground. Accordingly, I pass the following order;

**ORDER**

Application (Exh. 22) stands rejected.

Beed,  
Date : 17/06/2025.

(Anand L. Yawalkar)  
**SESSIONS JUDGE, BEED.**

(3) Special Case No. 106/2023  
order below Exh. 22

I affirm that the contents of this PDF file are word to word  
as per original Judgment / order.

Name of Steno : G. N. Ghayal

Name of Court : Sessions Court, Beed,

Sd/-

(G. N. Ghayal)

Stenographer Grade-I