

MHBI010035402022



Presented on : 03/10/2022  
Registered on : 03/10/2022  
Decided on : 12/03/2026  
Duration : Y. M. D.  
03 05 09

**Part 'A'**  
**( Title Page of Judgment )**

	<p><b><u>IN THE COURT OF SPECIAL JUDGE, BEED</u></b>  ( Under POCSO Act )  Present : V. H. Patwadkar, Special Judge, Beed.    Date : 12.03.2026    <b><u>Spl. (POCSO) Case No. 123/2022.</u></b></p>	
	<p>Crime No.189/2022  Shivajinagar Police Station,  Tq. &amp; Dist. Beed.  Offences punishable under Sections 363, 366-A,  376, 376(2)(j)(n) of the Indian Penal Code and 4, 17  of the Protection of Children from Sexual Offences  Act.</p>	
Complainant	:	<p><b>State of Maharashtra</b>  Through Police Officer, Shivajinagar  Police Station, Beed Tq. &amp; Dist. Beed.</p>
Represented by	:	Shri. A. P, Hasegaonkar, Ld. APP for the State.
Accused	:	<p><b>1) Jivan Raghunath Sarvade,</b>  Age :- 19 years,  R/o Indraprast colony, Balepeer Tq. &amp; Dist.  Beed.  <b>2) Sarika Rameshwar Bhosle,</b>  Age :- 22 years,  R/o Bhosari, Pune Tq. &amp; Dist. Pune.</p>
Represented by	:	Shri. A. P. Gandle Ld. Advocate for A.No.1. Shri D. G. Hange Ld. Advocate for A.No.2.

**Part 'B'**

Date of offence	:	23.05.2022
Date of FIR	:	23.05.2022
Date of charge-sheet	:	03.10.2022
Date of Framing of charges	:	16.12.2022
Date of commencement of evidence	:	26.10.2023
Date on which judgment is reserved	:	12.03.2025
Date of the Judgment	:	12.03.2025
Date of the Sentencing Order, if any	:	12.03.2025

**Accused Details**

Rank of 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 Section 428, Cr.P.C.
1)	Jivan Raghunath Sarvade	05.07.22	08.08.22	PUS 363, 366-A, 376(2)(j) (n) of the IPC and 4 of the POCSO Act.	Convicted.	Yes. As per final order.	05.07.22 to 08.08.22 01 month 03 days.
2)	Sarika Rameshwar Bhosle	12.10.22	08.12.22	PUS 17 of the POCSO Act.	Convicted.	Yes. As per final order.	12.10.22 to 08.12.22 01 month 26 days.

**Part 'C'****List of Prosecution / Defence / Court Witnesses****A. Prosecution :**

Rank	Name of Witness	Nature of Evidence
PW1	Father of the victim.	Informant.

PW2	Amol Raghunath Sarvade	Spot panch
PW3	ABC/Victim	Victim
PW4	Shrinivas Vasanttrao Bagade	Head master of ZP School.
PW5	Dr. Shaikh Farida Abdul Shakur	Medical officer who examined victim.
PW6	Tulshiram Sitaram Patole	Witness
PW7	Anita Nivrutti Tandle	Police Hawaldar
PW8	Mina Bhivsent Tupe	PI/Investigating Officer.

**B. Defence Witnesses, if any :**

Rank	Name of Witness	Nature of Evidence
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**C. Court Witnesses, if any :**

Rank	Name of Witness	Nature of Evidence
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**List of prosecution / defence / Court exhibits****A. Prosecution**

Sr. No.	Exhibits No.	Description
1)	46	Information.
	58	School Admission extract of victim.
	65	Medico-legal examination Report of Sexual violence of victim
2)	66	Final opinion of Medical Officer.
3)	73	Spot panchnama.

**B. Defence :**

Sr. No.	Exhibits No.	Description
1)	69	Seizure panchnama of clothes of victim.
2)	70	Seizure panchnama of clothes of accused.

3)	74	Spot panchnama of Bhosari, Pune.
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**C. Court Exhibits :**

Sr. No.	Exhibits Number	Description
1)	35	Charge
2)	92	Statement of accused Vikas under Section 313 of Cr.P.C.
3)	89	RFSL report of bold in vials of victim and accused.
4)	90	RFSL report of cloths of victim and accused.
5)	91	RFSL report of blood, public hair, nail clipping, vaginal swab and vulval swab of victim.
6)	92	RFSL report of public hair, nail cuttings, blood of accused.
7)	102	Letter issued by informant to IO regarding abortion of victim.
8)	103	Consent letter of victim & informant for DNA sample.
9)	104	Station Diary Entry.
10)	105	Electricity bill of house of Vinayak Fartale
11)	106	Electricity bill of house of Indubai Shelar.

**D. Material objects :**

Sr. No.	Exhibits Number	Description
1)	Article-1 to 4	Clothes of victim.
2)	Article-5 to 8	Clothes of accused.

**:: J U D G M E N T ::**

( Delivered on 12<sup>th</sup> March 2026 )

Accused No. 1 is prosecuted for the offences punishable under Sections 363, 366-A, 376(2)(j)(n) of the Indian Penal Code (for

short, IPC)and Section 4 of the Protection of Children from Sexual Offences Act (for short, POCSO Act). Whereas accused No. 2 is prosecuted for the offence punishable under Section 17 of the POCSO Act.

2) This case is received in transfer on 29/07/2025 from Ld. Additional sessions Judge-4, Beed. The identity of the victim and her family members is masked wherever possible in this Judgment, to follow the directions of The Hon'ble Supreme Court of India in the case of **Nipun Saxena Vs Union of India; {(2019) 2 SCC 703.}**

3) Case of the prosecution, in a nut shell, is as under :-

On 23/05/2022 informant, who is father of the victim lodged missing complaint with Police Station, Shivajinagar Beed. He alleged therein that on 20/05/2022 at 09-00 a.m. he went for his work. His daughter aged 17 years 05 months and his son were in the house. At 11-30 a.m. victim told her brother that she was going towards her mother and at 11-30 a.m. went out of the house. At 03-45 p.m. informant's wife made phone call to him informing that since 11-30 a.m. victim was out of the house and did not return. Informant went to his house and alongwith his wife and son took search of the victim nearby and also at their relatives, but the victim was not found. Informant had suspicion that accused Jeevan Raghunath Sarwade resident of Balepeer, Beed enticed and kidnapped his minor daughter i.e. victim. Thus on suspicion he lodged complaint.

On 05/07/2022 taking search of victim and accused, police went to Pune and brought victim and accused to Shivajinagar Police Station, Beed. On inquiry with victim she stated that on 20/05/2022 around

01-30 p.m. she went to Shivaji Chowk, Beed, where accused Jeevan also came. Therefrom they went to Ahmednagar by Travels. Alighting at Ahmednagar they boarded in ST Bus and went to Bhosari, Pune. They both went to the house of accused's sister i.e. accused No.2 Sarika Rameshwar Bhosle and stayed there for 15 days. Whenever family members of Sarika were out of the house, accused Jeevan established physical relations with her. Then accused No. 2 made available one room nearby on rent basis and victim and accused No. 1 resided in that room. In said room also there occurred physical relations between victim and accused No. 1 Jeevan.

**4)** On the basis of statement of victim and consequent supplementary statement of informant section 366-A, 376(2)(j)(n) of IPC and section 4, 17 of POCSO Act were added in the Crime No.189/2022. Investigation of the crime was initially entrusted with Anita Nivrutti Tandle, Police Hawaldar. During investigation she visited the spot and prepared spot panchnama. She collected extract of school register of victim. She arrested accused No. 1. Thereafter investigation was handed over to Meena Bhivsen Tupe PI. During investigation, she sent victim and accused for medical examination, seized cloths of victim and that of accused No. 1 under seizure panchnama. She sent DNA samples of victim and accused No. 1 to RFSL, Aurangabad. She recorded statements of witnesses and prepared another spot panchnama. After completion of investigation, she submitted charge-sheet in the Special Court.

**5)** My Ld. Predecessor framed charge against accused No.1 vide Exh.33 for the offences punishable under Sections 363, 366-A, 376(2)(j)(n) of the IPC and under Section 4 of the POCSO Act and

against accused No. 2 for the offence punishable under Section 17 of the POCSO Act. Contents of the charge were read over and explained to the accused in vernacular to which they pleaded not guilty and claimed to be tried.

6) In order to prove its case, the prosecution examined in all eight witnesses and filed evidence close purshis at Exh.80.

7) After evidence of the prosecution, statements of the accused were recorded under Section 313 of the Code of Criminal Procedure at Exh.81. Defence of accused No. 1 is of total denial and false implication. Defence of accused No. 2 is that she is not sister nor relative of accused No. 1 and has no connection with him. Accused No. 1 is close to her and on suspicion she has been implicated in this case. She never resided in Pune and resides at Kaij. The accused did not step into the witness box, nor examined witness on their behalf.

8) Heard learned APP Shri A. P. Hasegaonkar for the State, learned Advocate Shri A. P. Gandale for accused No.1 and learned Advocate Shri D. G. Hange for accused No. 2.

9) After going through the prosecution case, evidence on record and hearing arguments of both sides, following points arise for my determination and I record my findings against it for the reasons stated thereafter.

**POINTS**

**FINDINGS**

1) Whether the prosecution proved that on the date of incident i.e. on 22/05/2022 victim was minor child ?

Yes.

- 2) Whether the prosecution further proved that : Yes.  
on 20.05.2022 at about 01:30 p.m. at Shivaji Chowk, Beed accused kidnapped minor victim girl aged 17 years 4 months from custody of her lawful guardian and thereby committed an offence p/u/sec.363 of the IPC ?
- 3) Whether the prosecution further proved that : Yes.  
on the aforesaid date, time and place accused No. 1 induced minor victim girl to go from Beed to other place or to do any act with intent that said victim girl may be or knowing that she will be forced or seduced to illicit intercourse with him and thereby committed an offence p/u/sec.366-A of the IPC ?
- 4) Whether the prosecution further proved that : Yes.  
after 20.05.2022 till 05.07.2022 at Bhosari, Pune accused No. 1 committed rape on minor victim time to time and thereby committed an offence p/u/sec.376(2)(j)(n) of the Indian Penal Code ?
- 5) Whether the prosecution further proved that : Yes.  
during the aforesaid period accused No. 1 committed penetrative sexual assault on minor victim and thereby committed an offence p/u/sec.4 of the POCSO Act ?
- 6) Whether the prosecution further proved that : Yes.  
on the aforesaid date, time and place accused No. 1 committed penetrative sexual assault on minor victim and accused No. 2 abetted said commission of offence by accused No. 1 and thereby committed the offence p/u/sec.17 of the POCSO Act ?
- 7) What order ? : Accused are convicted as per final order.

**:: REASONS ::**

10) Ld. APP for the State argued that the prosecution examined in all 8 witnesses. PW-1 deposed that accused kidnapped his minor daughter on the date of incident. Accused No. 1 took the victim to Bhosari, Pune in the house of accused No. 2 and there committed forcible sexual intercourse with victim. Thereafter accused No. 1 resided with victim in another rented house where also he committed rape on the victim on many times. PW-3 victim also stated that on the date of the incident accused threatened her and forcibly took her to the house of accused No.2 at Bhosari, Pune, where accused committed rape on her. After residing 15 days in the house of accused No. 2, she made them one room available on rent. Accused No. 1 and victim resided in said room for one month. Even there accused committed rape on victim. When police came and brought them back to Beed, accused was threatening victim. In cross-examination of informant and victim the only defence brought on record is that the victim was in love with the accused No. 1 and she instigated him to go to Pune. Victim was consensual party to the entire episode since her kidnap from Beed till her return to Beed. However the defence is not probablized. Victim specifically stated that accused No.1 committed rape on her when she was forced to live with him in Bhosari, Pune for one and half months. As per evidence of PW-4 date of birth of victim is 05/01/2005. The incident occurred on 20/05/2022. So victim was below 18 years of age and a minor. Medical evidence corroborates story of prosecution. Victim narrated history to PW-5 Dr. Farida Shaikh that she lived alongwith accused No.1 in Pune and got sexually contact many times. She opined that sexual assault cannot be ruled out. PW-6 who is uncle of victim also stated that victim was found in the house of

accused No. 2 at Pune and accused harassed her. PW-7 and PW-8 are Investigating Officers. Their evidence is consistent with the fact that the accused enticed the victim and took her to Bhosari, Pune in the house of accused No. 2, where he committed rape on her. Spot panchnama of the house of accused No. 2 as well as spot panchnama of the place, where accused and victim resided in the rented room support the prosecution. Victim being minor, her consent is no consent. The prosecution proved its case against the accused beyond reasonable doubt and prayed to convict the accused for the charges levelled against them. In support, he relied on case of **Shubham Dilip Awasarmal Vs. State of Maharashtra & Anr. {2025 DGLS (Bom) 2409}**. Wherein it is observed that consent of a child below 18 years is an absolutely irrelevant factor at all stages during the course of proceedings under the POCSO Act. The age of consent is the age of at which a person becomes legally capable of agreeing to marriage or sexual intercourse. At present the age of consent for sexual intercourse is 18 years on account of provisions of the POCSO Act and under said age consent is immaterial and sexual activity amounts to statutory rape.

11) Ld. Advocate for the accused No. 1 submitted that accused No.1 was working under supervision of father of the victim i.e. informant. Accused No. 1 and victim were in love with each other. Victim instigated accused No. 1 to go to Pune and to perform marriage with her. Accordingly they both went to Pune. The physical relations, if any, by accused with the victim are consensual. Victim and accused got married in Bhosari, Pune. So accused is husband of victim. Victim is not minor on the date of alleged incident. Accused has not committed any offence. The prosecution miserably failed to prove guilt of the accused. Lastly he prayed to acquit the accused of all the charges. In

support, he relied on following case laws :-

- 1) **Ajay Bharat Shinde Vs. The State of Maharashtra { DLD (Cri) 2021-398}**. In that case of POCSO there was no conclusive evidence produced by the prosecution regarding date of birth of victim. Medical evidence indicated age of victim to be about 15 to 16 years. Margin of error takes upper limit of age to 18 years. Evidence of prosecutrix indicated alleged sexual intercourse was consensual. It is observed that medical evidence is not conclusive proof of age determination. Age of person must be determined first on the basis of date of birth certificate from school or matriculation or equivalent certificate, then from other evidence. It is held that the prosecution failed to prove that the prosecutrix as a child and thereby the Hon'ble High Court quashed and set aside judgment and order of conviction of the accused.
- 2) **Bhima s/o Baliram Dhumak Vs. State of Maharashtra {DLD (Cri) 2025-4144}**. In that case of forcible kidnapping and sexual assault examined through victim's testimony and medical evidence. Victim's behaviour living with accused voluntarily and absence of alarm, so also medical reports showing no injury or conclusive evidence of sexual assault and contradictory statement led to infer consensual elopement rather than forcible offence. There was no concrete evidence that victim was a minor. Victim's testimony was found inconsistent and medical evidence also did not corroborate prosecution story. The Hon'ble High Court set aside conviction and acquitted the accused.
- 3) **Ranjita Sahoo & Anr. Vs. State of Orissa {CRLA No.219 of 2020 DD 09-01-2026 HC Orissa at Cuttack}**. In that case after the incident victim even though was treated in the hospital, said examination report was not exhibited. Moreover nothing was disclosed either by the victim or by the informant with regard to alleged rape on the victim by the accused persons. After lodging of the FIR victim was referred for fresh examination. But no such medical report was exhibited by the prosecution, nor treating doctor was examined. Nothing was found with regard to alleged rape on the victim. It is observed that the prosecution failed to prove its case. Thereby the Hon'ble High Court acquitted the accused.

- 4) **Ashik Ramjan Ansari Vs. The State of Maharashtra & Anr. {Criminal Appeal No.1184 of 2019 DD 10-07-2023 BHC}**. In that case victim girl was aged 17 years 05 months and there was consensual sex and no force. The victim was capable of understanding consequences of the act. The Hon'ble High Court has been pleased to acquit the accused by setting aside the judgment of the conviction of the Special Court.
  - 5) **Deepak s/o Vijay Gajbhiye Vs. State of Maharashtra {Criminal Appeal No.559 of 2023 DD 19.11.2025 BHC Nagpur Bench}**. In that case the prosecution failed to prove beyond reasonable doubt, either that the victim was a minor or that the sexual intercourse, if any, was without her consent. The testimony of the prosecutrix suffered from material inconsistencies, contradictions and improvements, which destroyed the reliability of her evidence. The independent witness supported the version of defence. The Hon'ble High Court pleased to acquit the accused.
  - 6) **Dhruvaram Murlidhar Sonar Vs. The State of Maharashtra { Criminal Appeal NO.1443 of 2018 SC }**. In that case the victim was a major woman and was serving as a medical officer. On the pretext of marriage she lived alongwith the accused for quite sometime together and enjoyed company of each other. When she came to know that accused had married to some other woman, she lodged the complaint. It is not her case that the accused forcibly raped her. The Hon'ble High Court quashed the FIR.
  - 7) **Yogesh s/o Brijkishor Agashe Vs. State of Maharashtra & Ors. {DLD (Cri) 2026-4267 BHC Nagpur Bench}**. In that case it is observed that victim's age was crucial for applicability of POCSO Act. Evidence including birth extract and parental testimony was inconclusive and contradictory, casting doubt on proof of age. Consequently the presumption under Section 29 of the POCSO Act did not arise. The Hon'ble High Court further held that failure to conclusively prove victim's age as a child leads to failure of establishing essential ingredients of offence under POCSO Act and set aside conviction under POCSO Act.
- 12) Ld. Advocate for accused No. 2 submitted that there is no role of accused No. 2 in the story of the prosecution. Accused No. 2

resides in Kaij Tq. Kaij Dist. Beed. She never resided in Bhosari, Pune. Accused is neither sister, nor friend or relative of accused No. 1. So she no way assisted accused No. 1 in alleged kidnap and rape of the victim. The prosecution utterly failed to prove its case against accused No. 2. He prayed to acquit accused No. 2.

**AS TO POINT NO. 1 :-**

**13)** According to the prosecution on 20/05/2022 accused kidnapped victim and took her to the house of accused No. 2 at Bhosari, Pune. Accused No. 1 and victim resided in the house of accused No. 2 for 15 days and during said period accused committed rape on victim. Then accused No. 2 made available one room on rent nearby, where accused No. 1 committed rape on victim during their stay of one month in said room.

**14)** Having regard to the case of the prosecution, at the outset it is required to see as to whether on the date of incident victim was minor. In this regard PW-1 who is father of victim deposed at Exh.45 that date of birth of victim is 05/01/2005. No suggestion is given to him during cross-examination that alleged date of birth of victim is false. He contended in his complaint (Exh.46) that the victim is 17 year 05 month old. Victim in her evidence at Exh.52 deposed that her date of birth is 05/01/2005. During cross-examination she denied the suggestion that she stated to accused that she is major and wanted to marry with him and instigated him to elope with her. There is no suggestion that she stated her false date of birth. PW-4 Shrinivas Vasantrao Bagade is Head Master in Z. P. Primary School, Devdi-phata. Tq. Wadwani Dist. Beed. He deposed at Exh.57 that he brought with him original

admission register, original admission form and other documents of victim. Admission form of victim bears signatures of her father. Date of birth of victim is 05/01/2005, as per said admission form. The admission form is dated 24/06/2011. He admitted contents of extract of admission register (Exh.58), wherein date of birth of victim is mentioned as 05/01/2005. During cross-examination he denied the only suggestion that father of victim had not submitted Government document while taking entry of birth date of victim in the school record. PW-5 Dr. Shaikh Farida Abdul Shakur is Medical Officer in Civil Hospital, Beed. She deposed at Exh.64 that on 05/07/2022 she was on duty. At about 08-45 p.m. victim was brought to the hospital for her medical examination. She personally examined the victim who was minor of 17.5 years. There is no suggestion to this witness in cross-examination that she stated wrong age of the victim. In the medical examination report (Exh.65) of victim age of victim is mentioned as 17 years 05 months and her date of birth is mentioned as 05/01/2005. Said date of birth must be stated by victim to this witness. PW-6 is maternal uncle of victim. He also deposed at Exh.68 that at the time of alleged incident victim was 17 year old. No suggestion is given to this witness that victim was major at the relevant time. PW-8 Investigation Officer M. B. Tupe denied the suggestion in her evidence at Exh.77 that without verifying age of victim, she levelled sections of POCSO in the crime. Victim also stated her age as 17 years 05 months at the time of recording of her statement before Magistrate. It reveals from copy of Aadhar ID that victim's date of birth is 05/01/2005. Thus from above oral and documentary evidence it is clear that date of birth of victim is 05/01/2005. According to the prosecution alleged incident occurred on 20/05/2022. It means victim was 17 year 04 month and 15 days old on the date of the incident, means below 18 years of age and

consequently, a minor. I answer point No. 1 accordingly in the affirmative.

**AS TO POINT NO. 2 :-**

**15)** Now coming to another question as to whether accused No. 1 enticed/kidnapped victim on 20/05/2022. PW-1 informant and father of victim deposed that on 20/05/2022 around 09-00 a.m. he went out of the house for his work. Around 01-30 p.m. to 02-00 p.m. his wife made phone call to him saying that victim had not returned to house. When she went to her work, victim told her brother that she was going towards her mother and went out of the house. He returned to home at 03-30 to 04-00 p.m. He took search of victim with relatives and nearby, but victim was not found. On 23/05/2022 he lodged missing complaint (Exh.46) suspecting that the accused No. 1 kidnapped victim. During cross-examination he denied the suggestion that victim on her own fled away with accused No. 1 to Pune to reside together as she wanted to marry with the accused No.1.

**16)** Victim deposed that on 20/05/2022 she was going by walk towards Baglane Hospital from Raigad colony, Beed. At that time accused No.1 came there on motorcycle and told her to come with him, as her father fell down while doing work. When she asked, accused told his name to her. She said accused No.1 to make phone call to her father, but he told her that it was very urgent and to come with him fast. Victim told accused to firstly go to the place where her mother works and by taking her mother they will go towards her father and sat on motorcycle of accused. But accused took victim to Bus Stand, Beed, where he and his brother on threatenings forced her to board in the

travels Bus to Ahmednagar. Victim and accused went to Pune by ST Bus from Ahmednagar. Accused No. 1 was making phone calls to accused No. 2 Sarika and they both went to her house at Bhosari, Pune.

**17)** In cross-examination victim admitted that from Beed till reaching to Pune, she did not raise alarm. She has not stated said facts in her statement before Magistrate. She admitted that she stated to police that she was in love with accused No. 1. Victim in her statement also stated that she and accused on 20/05/2022 went to the house of accused No. 2 at Bhosari, Pune. PW-5 Dr. Farida Shaikh also deposed that on 05/07/2022 victim was brought to Civil Hospital, Beed for her medical examination. Victim narrated the history that she and accused No. 1 ran away from home on 20/05/2022. So evidence of medical officer also supports that on 20/05/2022 victim and accused went to Pune. PW-6 who is maternal uncle of victim deposed that on 05/07/20022 victim was found in the house of friend of accused No. 1 i.e. accused No.2 residing at Bhosari, Pune. Spot panchnama (Exh.74) is of the rented house of accused No. 2 Sarika in Bhosari, Pune where accused and victim resided. As per say of victim, police prepared another spot panchnama of the room in Shasthri Chowk, Bhosari, where victim and accused No. 1 resided for about one month. Said panchnama is admitted by the defence. Victim stated in her statement before Magistrate that on 20/05/2022 she went alongwith accused No. 1 to Pune. Investigating Officer PW-8 M. B. Tupe deposed that during investigation she visited two spots in Ganesh Nagar, Shashtri Chowk, Bhosari, Pune, where victim resided with accused and prepared spot panchnama (Exh.74). Station Diary Entry (Exh.104) shows that victim and accused were accosted from Ganesh Nagar, Shashtri Chowk

Bhosari, Pune. Thus above referred oral and documentary evidence go to show that on 20/05/2022 accused No. 1 enticed/kidnapped minor victim and took her to Bhosari, Pune. I answer point No. 2 accordingly in the affirmative.

**AS TO POINT NO. 3 TO 6 :-**

**18)** From the discussion made hereinabove, it is clear that on 20/05/2022 accused No. 1 kidnapped minor victim and took her to Bhosari Pune, where he resided alongwith victim in the house of accused No. 2 for 15 days. According to the victim whenever family members of accused No.2 Sarika used to go out of the house, accused No. 1 was committing physical relations with her forcefully. After 15 days accused No. 2 made them available another room nearby on rent, where they resided for about one month. Though victim stated in her cross-examination that she had not stated in her statement before Magistrate that she and accused resided in the house of accused No. 2 for 15 days and then in one room on rent, she specifically deposed that accused committed forceful physical relations with her and also tortured her in Pune. In cross-examination she denied the suggestion that accused No. 1 had not committed forceful physical relations with her.

**19)** As per evidence of PW-5 Dr. Farida Shaikh, victim narrated history that she lived in Pune in a room and got sexual contact many times (20 to 24 times). Last sexual episode was at 06-00 a.m. on 05/07/2022. Accordingly she prepared her report (Exh.65) wherein same facts are mentioned as she deposed. After receiving CA reports she gave final opinion (Exh.66) contending that 'sexual assault cannot be ruled out it may be or may not be occurred'. In cross-examination

suggestions was given to this witness that hymen perineum was old torn and no injuries were found on body of victim and hymen can be ruptured by many reasons, other than sexual intercourse. Though she admitted this suggestion, still evidence of this witness establishes that hymen was ruptured as accused committed sexual intercourse with her for 20 to 24 times i.e. from 20/05/2022 till 05/07/2022 when they both were brought from Bhosari to Beed by police. So medical evidence also supports version of victim that accused committed sexual intercourse with her on many occasions since 20/05/2022 till 05/07/2022 in Bhosari Pune. After last sexual episode on 05/07/2002 at 06-00 a.m., police brought them to Beed from Bhosari, Pune. According to PW-8 Investigating Officer, victim was found pregnant during her primary medical examination. Accordingly DNA samples of accused and victim were sent to forensic Lab. Informant on 06/07/2022 (Exh.102) sent letter to Investigating Officer requiring for sending the victim to Civil Hospital, Beed for conducting her abortion. Accordingly vide consent letter (Exh.103) victim and informant consented for taking DNA samples of victim. However as per CA report (Exh.89) Comparative DNA profiling results regarding establishment of paternity will be given after receiving control sample of baby of victim. There is consistent evidence of PW-3 victim, PW-1 informant, PW-5 Dr. Farida Shaikh, PW-6 maternal uncle of victim, PW-7 and PW-8 who are investigating officers that accused No. 1 kidnapped minor victim, took her to Bhosari, Pune and committed rape on her for 20 to 24 times till they both brought back to Beed.

**20)** Now coming to role of accused No. 2 Sarika Bhosle. The victim deposed that in Beed accused No. 1 forcefully made her sit in the travels alongwith him, to go to Ahmednagar, he made phone call to

accused No. 2 and said that he was bringing the victim. When they reached in Ahmednagar accused No. 1 again made phone call to accused No.2 and she told him to come in Bhosari, Pune. Around 08-00 p.m. to 08-30 p.m. they reached in Bhosari, Pune. At that time also accused No. 1 made phone call to accused No. 2. Then within 10 minutes accused No.2 came there in Rickshaw and took them to her house in Bhosari. The accused were not allowing her to come outside the house and were asking her to do household work. Then accused decided to perform marriage of victim with accused No. 1 and on 25/05/2022 she was forced to marry with accused No. 1. After 2 days of the marriage accused No. 2 took them to Alandi. Whenever family members of accused No. 2 were going out of the house, accused No. 1 was committing forceful sexual relations with her. After 15 days accused No.2 made another room available to them on rent, nearby her house, where victim resided with accused No.1 for about one month. Then on 05/07/2022 her father came there alongwith police and took her to police station, Bhosari. It is material to mention that victim specifically stated that in Bhosari Police Station accused was threatening her. Accused No. 1 was threatening her while she was giving statement to Police in the Police Station at Beed also. Spot panchnama (Exh.74) is of two places. One is house of accused No. 2 Sarika in Ganesh Nagar, Shashtri Chowk, Bhosari Pune and said house is belonging to one Vinayak Fartale. Electricity bill (Exh.105) shows owner of said house is Vinayak Fartale. Another place is a room nearby, belonging to one Indubai Shelar, where accused No. 1 resided with victim for one month. Electricity bill (Exh.106) shows that said Indubai Shelar is owner of said house. Thus spot panchnama shows that accused and victim resided in Bhosari, Pune and pertinently said

panchnama is admitted by the defence. Thus it reveals that from Beed till reaching to Bhosari, Pune, accused No. 1 was in contact with accused No. 2 Sarika on phone. Accused No. 2 Sarika provided every aid to accused No. 1 to bring the victim to her house and also facilitated accused No. 1 to commit sexual intercourse with minor victim. Accused No. 2 Sarika even made another room available to accused No. 1 on rent where accused No. 1 resided with victim for one month and there also committed physical relations with her. These facts go to show that accused No. 2 Sarika Bhosle abetted accused No. 1 by providing intentional aid to commit penetrative sexual assault on minor victim. It is noteworthy that no suggestion is given to victim by accused No. 2 that she deposed false that accused No. 2 took them to her house and also made another room available to them, where she resided with accused No. 1. The only defence of accused No. 1 is that victim on her own fled with accused and there may be consensual sexual relations, if any, between them. However victim was below 18 years of age and minor during the entire episode. So consent of minor, if any, is no consent in the eye of law. Defence of accused in their answers to questions under Section 313 of Cr.P.C. is of denial and false implication. Accused have not discharged the statutory burden of presumption under Section 29 of POCSO Act. The prosecution proved that accused No. 1 induced or kidnapped minor victim with intent that she may be forced or seduced to illicit intercourse with him and during the period 20/05/2022 till 05/07/2022 committed rape on minor victim at Bhosari, Pune. The prosecution further proved that accused No. 1 during abovesaid period committed penetrative sexual assault on minor victim. The prosecution proved that accused No. 2 Sarika abetted accused No. 1 to commit penetrative sexual assault on minor victim. I find substance in the submissions of the Ld. APP for the State and the

abovocited case law relied on by him is applicable to facts of the present case. I find no substance in the submissions of Ld. Advocate for accused Nos. 1 and 2 and with high respect the abvoecited case laws relied on by Ld. Advocate for accused NO. 1 are not helpful for distinction of facts. I answer points No. 3 to 6 accordingly in the affirmative.

**21)** I held accused No. 1 Jeevan Sarvade guilty of offence punishable under Section 363, 366-A, 376(2)(j)(n) of IPC and under Section 4 of the POCSO Act. I also held accused No. 2 Sarika Bhosle guilty of offence punishable under Section 17 of the POCSO Act. Hence here I take a pause, to hear both the accused, on the point of quantum of sentence.

Beed  
Date : 12.03.2026.

**( V. H. Patwadkar )**  
Special Judge, Beed  
( under the POCSO Act )

**22)** Heard accused No. 1. He prayed that he is innocent. He is only earning member of his family. He prayed to show leniency.

**23)** Ld. Advocate for accused No. 1 submitted that accused has no criminal antecedents. He has aged parents. He prayed to show leniency to the accused.

**24)** Heard accused No. 2. She prayed that she is innocent and prayed to show leniency.

**25)** Ld. Advocate for accused No. 2 submitted that accused

has no criminal antecedents. She has children. He prayed to show leniency to the accused.

**26)** Ld. APP for the State submitted that considering the nature and gravity of offence, accused deserve no leniency and prayed to award maximum sentence on them.

**27)** I gave consideration to the submissions of both sides. The offence is serious in nature. However there are no criminal antecedents of the accused on record. They have not committed any offence while on bail. Accused No. 2 is a woman. In the circumstances considering the aggravating as well as mitigating circumstances and in order to have a specific deterrence, following order would meet the ends of justice. In the result, I pass following order :-

**:: O R D E R ::**

- 1)** Accused No. 1 **Jivan Raghunath Sarvade** is convicted of the offences punishable under Sections 363, 366-A, 376(2)(j)(n) of the IPC and under Section 4 of the POCSO Act vide Section 235(2) of the Code of Criminal Procedure.
- 2)** Accused No. 1 is sentenced to suffer Rigorous Imprisonment for Three years for the offence punishable under Section 363 of the IPC and to pay fine of Rs.1,000/- (One Thousand Rupee only). In default of payment of fine, the accused shall suffer Simple Imprisonment for one month.
- 3)** Accused No. 1 is sentenced to suffer Rigorous Imprisonment for Five years for the offence punishable under Section 366-A of the IPC and to pay fine of Rs.2,000/- (Two Thousand Rupee only). In default of payment of fine, the accused shall suffer Simple Imprisonment for Two months.

- 4) Accused No. 1 is sentenced to suffer Rigorous Imprisonment for Ten years for the offence punishable under Section 376(2)(j) of the IPC and to pay fine of Rs.3,000/- (Three Thousand Rupee only). In default of payment of fine, the accused shall suffer Simple Imprisonment for Three months.
- 5) Accused No. 1 is sentenced to suffer Rigorous Imprisonment for Ten years for the offence punishable under Section 4 of the POCSO and to pay fine of Rs.3,000/- (Three Thousand Rupee only). In default of payment of fine, the accused shall suffer Simple Imprisonment for Three months.
- 6) Accused No. **2 Sarika Rameshwar Bhosle** is convicted of the offences punishable under Section 17 of the POCSO Act vide Section 235(2) of the Code of Criminal Procedure.
- 7) Accused No. 2 is sentenced to suffer Rigorous imprisonment for Ten years for the offence punishable under Section 17 of the POCSO and to pay fine of Rs.3,000/- (Three Thousand Rupee only). In default of payment of fine, the accused shall suffer Simple Imprisonment for Three months.
- 8) Accused to surrender their bail bonds.
- 9) All the substantive sentences shall run concurrently.
- 10) On deposit of the fine amount, it be given to the victim, after the appeal period is over.
- 11) Accused are entitled to set off, as provided under Section 428 of the Code of Criminal Procedure, for the period of detention undergone by them.
- 12) Muddemal property i.e. cloths of victim and accused being worthless, be destroyed, after the appeal period is over.

**13)** Copy of the judgment be provided to the accused, free of costs.

*( Dictated and pronounced in Open Court )*

Beed

Date : 12.03.2026.

**( V. H. Patwadkar )**  
Special Judge  
( under the POCSO Act )  
Beed.

**:: CERTIFICATE ::**

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Typed on :- 12.03.2026.

Checked & Signed on :- 12.03.2026.

Dt.12.03.2026.

**( Asifali R. Sayyad )**  
Stenographer Grade-I  
Additional Sessions Court,  
Beed.