

(1) Special (POCSO) Case No. 199/2024
CNR No.MHBI010038312024
Judgment (Exh.85/A)

MHBI010038312024



Presented on :- 14/11/2024
Registered on :- 15/11/2024
Decided on :- 27/03/2026
Duration :- Yrs. Ms. Ds.
01- 04- 13

Special (POCSO) Case No.199/2024

Exhibit No.85/A

PART 'A'
(Title Page of Judgment)

	<u>IN THE COURT OF SPL. & SESSIONS JUDGE,</u> <u>BEED, DIST. BEED.</u> Present:- Anand L. Yawalkar, Sessions Judge, Date: 27/03/2026 <u>Special (POCSO) Case No.199/2024</u>	
	<u>Crime No.273/2024</u> Police Station:- Peth Beed, Dist. Beed. Offence punishable under Sections Sections 64(2) (i), 65(2) 74, 75, 79, 333, 115(2), 351(2) of The Bhartiya Nyaya Sanhita, 2023 and Sec. 4, 6 and 8 of the Protection of Children From Sexual Offences Act 2012.	
Complainant	:-	STATE OF MAHARASHTRA, Police Station, Peth Beed, Dist. Beed.
REPRESENTED BY	:-	Shri. A. B. Tidke, Ld. APP for the State.

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ACCUSED	:-	Abhimanyu Uddhav Jadhav, Age:- 49 years, R/o. Teachers Colony, Peth Beed, Tq. and Dist. Beed.
REPRESENTED BY		Adv. Shri. V. S. Sanap

Part 'B'

Date of offence	:-	09/06/2019
Date of FIR	:-	12/06/2019
Date of charge-sheet	:-	15/11/2024
Date of Framing of charges	:-	05/03/2025
Date of commencement of evidence	:-	25/06/2025
Date on which judgment is reserved	:-	---
Date of the Judgment	:-	27/03/2026
Date of the Sentencing Order, if any.	:-	30/03/2026

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 Section 468
1]	Abhimanyu Uddhav Jadhav,	20/09/2024	---	Sections 333 65(2) 74, 75, 79, 115(2), 351(2) of The BNS 2023 and Sec. 3/4 and 8 of the POCSO Act, 2012	Convicted	under Sections 333 of BNS, rigorous imprisonment for four years ; under Section 74 of B.N.S. rigorous imprisonment for 02 years ; under Section 75 of BNS rigorous imprisonment for	01 yrs 0 ms. 10 ds.

						<p>01 year;</p> <p>under Section 79 of BNS to suffer rigorous imprisonment for 01 year;</p> <p>under Section 351 (2) of BNS, to suffer rigorous imprisonment for 01 year;</p> <p>for offence u/sec. 7 punishable Under Section 8 of the POCSO Act rigorous imprisonment for 04 years;</p>	
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JUDGMENT
(Delivered on 27th day of March 2026)

Accused Abhimanyu Uddhav Jadhav is being prosecuted by Police Station, Peth Beed, Dist. Beed, in Crime No. 273/2024, for offence under Sections 333, 65(2) 74, 75, 79, 115(2), 351(2) of The Bhartiya Nyaya Sanhita, 2023 hereinafter referred to as 'BNS' and Sec. 3, 4 and 8 of the Protection of Children From Sexual Offences Act, 2012 hereinafter referred to as 'POCSO Act'.

Prosecution case in short is as under;

2. As per the case of prosecution, victim is daughter of informant. On 20/09/2024 at 10.30 a.m., she went to a mess of one Bajgude and after she returned home at 3.00 p.m. she was noticed broken pieces of tiles in front of her house. The outer door was pushed. She heard the sound of victim. She went inside and saw accused who is her neighbourer and had embraced her daughter i.e.

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victim. Accused was in his underwear and victim was naked. When informant asked to leave her daughter, he slapped her and asked her to stay outside by calling her prostitute. She shouted, people gathered. Accused went to his house. She asked victim, and victim told her that when she returned in recess, accused threw tiles on the door, she opened the door. He asked about her mother. Thereafter, threatened her and asked her to remove clothes, kissed her and pressed her chest. Accused put his finger on the private part of victim. Police were going from the road came there. Thereafter, informant went to Police Station and filed a complaint against the accused.

3. In this case, after informant filed complaint, crime was registered against the accused. During investigation, on the same day i.e. 20/09/2024, I.O issued letter to Medical Officer for examining the victim. Accused was arrested and spot panchnama was conducted. I.O recorded the statement of victim. Clothes of victim and accused were seized after conducting the seizure panchnama. I.O gave a letter to Chief Officer of Municipal Council, Beed for providing birth certificate of victim. He received birth certificate. I.O obtained attendance extract register from the school of the victim. Seized muddemal was sent for forensic examination. FIR relating to criminal antecedent of accused were collected. After completing the investigation and as offence under 'POCSO Act' is triable by Special Court, I.O filed charge-sheet filed before the Court.

4. Accused appeared. I have framed, readover and explained the charge against accused for the offence punishable under Sections 333, 65(2) 74, 75, 79, 115(2), 351(2) of The Bhartiya

Nyaya Sanhita, 2023 and Sec. 3, 4 and 8 of the Protection of Children From Sexual Offences Act 2012 to which accused pleaded not guilty and claimed to be tried. His plea is recorded at Exh.7.

5. Thereafter, prosecution lead evidence of witnesses. Thereafter statement of accused under Section 351 of BNSS recorded at Exh.82. The defence of accused is of total denial.

6. Learned APP Shri. A. B. Tidke for State submitted that victim was 11 years of age at the time of incident. Ld. APP relied upon the evidence of Headmaster and evidence of Municipal Council, Beed which had provided the birth certificate of victim. It was also submitted that even as per the radiological examination conducted by the Medical Officer, the age of victim was found to be 8 to 11 years. Considering this evidence, it was submitted that victim was minor at the time of incident. Ld. APP relied upon the spot panchnama where broken pieces of tiles were noticed in front of the house of informant. It was further submitted that the presence of accused has come on the spot. He relied upon the evidence of Ajit Shiketod a Police Officer who came on the spot at the time of incident. Accused was found on in underwear in the house of victim. It was submitted that the evidence of victim was corroborated by the evidence of her mother and independent witnesses and also the circumstantial evidence. Ld. APP further relied upon upon the evidence of Medical Officer wherein redness was noticed on the periheymenal of the victim. Thus, considering this it was submitted to convict the accused.

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7. Ld. Counsel Shri. V. S. Sanap for accused submitted that the incident happened in the thickly populated area. Neighbours and independent witnesses were not examined. Grandmother of victim stays in the neighbourhood alongwith other relatives were also not examined. The conduct of victim and her mother was unnatural. The story was not natural. It was submitted that why did victim returned home when the food was not prepared in the house. Discrepancy in the evidence were pointed out. It was submitted that perihymenal redness can be caused by rubbing. This evidence was not reliable. There was no penetrative sexual assault. No injuries were noticed on the person of victim. Thus, it was prayed to acquit the accused.

8] Heard Ld. APP Shri. A. B. Tidke for State and Ld. counsel Shri. V. S. Sanap for accused.

9] In the light of charge against accused and arguments, following points arise for my determination and I have noted my findings against them for the reasons stated therein below;

POINTS

FINDINGS

- | | |
|---|-----------------|
| 1) Whether prosecution proves that on ...
20/09/2024 at about 15:00 hours at
Teachers Colony, Peth Beed, accused
committed house-trespass, having made
preparation for outraging modesty or
committing rape on minor victim? | In affirmative. |
|---|-----------------|

- 2) Whether the prosecution further proves ... In negative.
that accused committed rape on victim
girl who is under 12 years of age?
- 3) Whether the prosecution further proves ... In affirmative.
that, accused used criminal force on
victim, intending to outrage or knowing it
to be likely that he will thereby outrage
her modesty?
- 4) Whether the prosecution further proves ... In affirmative.
that, accused physically contacted and
advances involving unwelcome and
explicit sexual overtures to minor victim
age 11 years?
- 5) Whether the prosecution further proves ... In affirmative.
that, accused intending to insult the
modesty of informant, uttered words
against her?
- 6) Whether the prosecution further proves ... In negative.
that, accused voluntarily caused hurt to
informant?
- 7) Whether the prosecution further proves ... In affirmative.
that, accused committed criminal
intimidation and thereby gave threat to
victim to cause injury to her mother's life?

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- | | |
|---|---|
| 8) Whether the prosecution further proves ... that, accused committed penetrative sexual assault on minor victim age 11 years and thereby committed an offence under Section 3 punishable under Section 4 of The Protection of Children From Sexual Offences Act? | Partly in affirmative.
Accused held guilty u/s 7 of The Protection of Children From Sexual Offences Act. |
| 9) Whether the prosecution further proves ... that, accused sexually assaulted minor victim age 11 years by touching and pressing her chest and by kissing her? | In affirmative. |
| 10) What order ? | ... As per final order. |

REASONS

AS TO POINT NO. 1 TO 8 :-

10. Since all the points are interlinked, they are taken up for discussion together.

Whether victim was minor :

11. Upon considering the hearing and material on record, as per victim, she was born on 04/02/2013. As per prosecution, incident happened on 20/09/2024. Thus, as per prosecution victim was more than 11 years and 6 months at the time of incident. To prove the age of victim, prosecution adduced the evidence of Mahadeo Jadhav as PW-4 who deposed that at the time of incident, victim was studying in 6th standard and as per their record, the date of birth of victim was 04/02/2013. He admitted the copy of admission

extract at Exh. 30 which shows the date of birth of victim as 04/02/2013. The attendance register at Exh. 31 which shows same date of birth of victim. In his cross-examination, he deposed that victim admitted in their school in 6th standard. Earlier she was studying in Pimpri Chinchwad, Pune. He did not receive birth certificate alongwith transfer certificate (T.C.) and he endorsed date of birth in their school admission extract from the transfer certificate. This date of birth was disputed by the accused.

12. Prosecution thereafter examined Vijay Kulkarni as PW-6. He is working as a Clerk in Birth and Death Section in Municipal Council, Beed since 2011. He filed birth certificate of victim on record. According to it, date of birth of victim is 04/02/2013 and its registration No. 7318343. He identified the birth certificate at Exh.34 and deposed that after the birth of victim, the form was received from Civil Hospital, Beed and on its basis, they had taken the entry. The birth certificate at Exh. 34, shows the name of victim alongwith her father and mother. It shows that victim was born in Civil Hospital, Beed and the date of registration was 04/02/2013. Thus, considering this birth certificate, the Court is of the opinion that it corroborates the case of prosecution which shows that victim was born on 04/02/2013.

13. This birth certificate was issued under 12/17 of the Registration of Birth and Death Act, 1969 and Rule 8/13 of the Act and rules, 2000. It was prepared by Vijay Kulkarni (PW-6) in discharge of his official duty from the information received from

Civil Hospital Beed where the victim was born. Birth certificate was prepared by a Statutory Authority i.e Municipal Council Beed, who is only authorized in the Municipal limits to prepare and issue birth and death certificate. Hence the birth certificate prepared and issued by Municipal Council Beed is considered to be a primary evidence. It is relevant and admissible in evidence. It carries presumption of authenticity. This court agrees that it is not a conclusive proof and accused can challenge or contradict it. But no such attempt is supported by any evidence and nothing is brought on record by the accused. If such birth certificate is filed on record and is proved from the officer as in this case, it will carry presumption under Section 35 of Indian Evidence Act, 1872. Thus, in the opinion of the court there is no impediment to accept this birth certificate to consider the date of birth of victim as 04/02/2013.

14. Prosecution examined Doctor Sushma Fule as PW-11. She is a Radiologist. On 21/09/2024, she was on duty. She had examined victim by conducting her sonography and X-ray examination to ascertain the age of victim. She conducted X-ray examination of wrist joint, elbow joint and pelvis. Upon perusing the report, she deposed that victim may be 8 to 11 years at the time of incident. The X-ray reports are at Exh. 64. In her cross-examination, she deposed that she did not take the X-ray personally and growth of a person may depend upon surrounding, dietary habit and physical of a person cannot be determined on the basis of X-ray. Doctor Sushma Fule being a Radiologist was competent to take into account the age of victim in alternative. Her evidence being relevant can be taken into account.

Charge of Sexual Assault :

Point No.2, 8 and 9 :

15. To prove the charges against the accused, prosecution examined victim as PW-7. She deposed that on 20/09/2024 she went to school at 12.00 noon. Her school timing was from 12.00 noon to 5.00 p.m. The recess timing was 2.00 to 2.30 p.m. She returned in the recess for having food. Accused came near the door. He kicked the door and was throwing tiles on it. She opened the door. He asked whether her mother had gone for prostitution. Accused threatened her and asked to remove her clothes. He embraced her and put his finger on her private part. Pressed her chest and kissed her.

16. In her cross-examination, she deposed that the working hours of her mother are from 9.00 to 4.00 p.m. Her grandmother is living in neighbourhood. On that day, she went to school. She locked the door. Gave keys to her grandmother. As tiffin was not ready, she could not take it. She deposed that nobody came to house till her arrival. She deposed that after she returned from school her grandmother was sleeping. She herself took the key. People had gathered. Neighbours had gathered. Police came after 10 minutes. She went to Police Station with her mother. When Doctor was asked about the history, it was stated by her mother.

17. Considering the evidence of victim, the evidence of Naderkhan Pathan who is spot panch is relevant. He deposed that

the spot was in teacher colony. The room was 8 to 10 feet, having wooden door. There were marks of stone on the door. Pieces of floor tiles were lying there. The spot panchnama is at Exh. 20.

18. Informant too deposed that when she came home at around 3.00 p.m., she saw broken pieces of tiles in front of house. The door was half opened. She heard the noise of victim from inside the house. She pushed the door and went inside and saw accused had embraced the victim and he was on his underwear. When she shouted, accused slapped her. He called her prostitute and thereafter went to his house. Victim told her about the incident and accused had inserted his finger in her private part. Police came there by seeing the crowd. Accused standing in the door and asked Police whether they had come for this prostitute (informant). Police asked her whether she wants to give statement at the house or Police Station. Informant went to Police Station and filed complaint. In her cross-examination, she deposed that her sister-in-law and mother-in-law stays in her neighbourhood. There are houses situated adjoining, in front and back side. She deposed that victim goes to school at 10.00 a.m. and returned for lunch at 2.00 p.m, but does not come everyday for lunch. On that day, victim had not taken tiffin. She came back for lunch and she came at 3.00 p.m. from the mess where she works. She deposed that on that day as the food was not cooked, victim could not take tiffin. She denied that Chandrakant Jadhav who is husband of her cousin sister was present in her house before she reached and as he was coming to her house, accused asked about it and there was quarrel between them. She admitted that after incident, her relatives had gathered.

19. From the evidence of informant, it can be gathered that when informant came back her home, she saw broken pieces of tiles in front of house and the door was half opened. When she went inside the house, she saw accused in his underwear. He had embraced to victim. She saw victim without clothes. Accused called her prostitute and slapped her. Police arrived on the spot are relevant.

20. Ajit Shiketod is a Police Constable attached to Peth Beed Police Station. On 20/09/2024, he received information that there was dispute in teacher colony. At around 3.00 p.m., he went there with Police Constable Mote. On reaching there, he saw accused standing in front of house of informant in his underwear. When he talked to accused, he asked whether they have come for this prostitute (informant). He drove the accused. He asked informant whether she wants to file complaint there or come to Police Station. Informant told that she wants to file complaint in Police Station. He took the informant to Police Station.

21. The evidence of this witness Ajit Shiketod is relevant. It had brought the presence of accused on the spot. He saw accused in his underwear in front of the house of informant. Accused also asked this witness whether he had come for the prostitute. He had called informant as a prostitute. Accused has no enmity with this witness. He brought informant to Police Station. This also suggest that, there was no delay in filing the complaint and it was promptly filed on the same day.

22. As per the evidence of Vaishali Khande as PW-5 is the class teacher of victim. As per her deposition, the school timing was from 12.30 to 5.30 p.m. The recess time was from 2.30 to 3.00 p.m. On 20/09/2024 she took attendance at 12.30 p.m., victim was present in the class. The attendance register Exh. 31 shows that victim was present on 20/09/2024 and thereafter she was absent. She identified the attendance register at Exh. 31.

23. Dr. Sonam Jaybhay was examined as PW-9. She was working as a Medical Officer at Civil Hospital, Beed and she is a Gynecologist. She examined victim on 20/09/2024 by obtaining consent of her mother. She obtained history from victim and her mother. To determine the age of victim, she advised her X-ray examination, opinion of Dentist and Radiologist. She observed perihymenal redness and deposed that it can be caused by rubbing. In her cross-examination, she deposed that history of rubbing was not stated by victim and she has given the opinion of sexual assault on the basis of history of perihymenal redness.

24. The evidence of doctor who had examined the victim on the same day at 8.00 p.m. and had noticed perihymenal redness which can be caused by rubbing as per the opinion of doctor.

25. Thus, the evidence of victim that accused kicked on the door of house and threw tiles has been corroborated by the evidence of spot panch who had noticed stone marks on the door and pieces of tiles lying there. Informant also deposed that she

saw broken pieces of tiles in front of the house.

26. Further informant saw accused in his underwear. He called her prostitute and slapped her. She saw accused had embraced victim and victim was without clothes. Ajit Shiketod also deposed that accused standing in front of the house of informant in his underwear. He asked them, whether they had come for this prostitute i.e. informant. It shows the presence of accused on the spot which is denied by the accused.

27. Victim had specifically deposed that accused had kept his finger on her private part. Victim did not depose that accused had inserted his finger in her private part. Informant had only seen the accused had embraced the victim, but in her evidence she had not stated regarding the other overtact act of accused except embracing her. Informant deposed that victim told her that accused had inserted his finger in her private part, but it comes within the meaning of hearsay evidence and also contrary to the evidence of victim who herself had deposed specifically that accused kept his finger on her private part. Further Doctor Sonam Jaybhay had noticed perihymenal redness during her clinical examination. As per report Exh. 53, the hymen was not intact with no injury and there was only evidence of perihymenal redness. It is the area surrounding the vagina and as per evidence of doctor, it can be caused by rubbing. This evidence suggest that the act of accused was of sexual assault as defined under Section 7 of The 'POCSO Act' which is reproduced here.

7. Sexual Assault- Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

As per Section 7, it is sexual act of touching vagina of the victim which involves sexual intent which involves physical contact without penetration. Thus the act of accused touching the private part comes within the meaning of this section

28. The act of accused is not penetrative sexual assault as defined under Section 3 of the 'POCSO Act', which is reproduced there.

3. Penetrative sexual assault.—A person is said to commit

“penetrative sexual assault” if—

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus,

urethra of the child or makes the child to do so to such person or any other person.

Penetration involves act of insertion or to enter something or act of piercing. It is the case of prosecution that accused had touched the vagina to the victim. Touching the vagina i.e. externally is not a penetrative act that is defined under Section 3 of the 'POCSO Act'. Thus the act of accused touching the private part does not comes within the meaning of this section

29. As per Section 29 of the 'POCSO Act', if any person is being prosecuted for committing or abetting the commission of any offence under Sections 3, 5, 7 and section 9 of the 'POCSO Act', the Court shall presume that such person has committed or abetted or attempted to commit such offence. The initial burden is on the prosecution. By adducing the evidence of informant, victim, Ajit Shiketod and Doctor Sonam Jaybhay, the prosecution had discharged this burden. Now it was for accused to rebut this presumption. The presumption is rebuttable by accused. The burden has to be discharged by the accused and it is in the form of preponderance of probability and proof beyond reasonable doubt is not expected. In the case in hand, except denying accused had not made any attempt to discharge the burden as contemplated under Section 29 of the 'POCSO Act'.

30. Further as per Section 30 of the 'POCSO Act', if accused being prosecuted for offence under this Section which require the

mental state of accused. The Court shall presume the existence of such mental state. Accused can take up a defence that he had no such mental state with respect of the offence charged. Considering the provisions of the act of accused of going in the underwear in the house of informant when the victim was alone and by a forceful entry, thereafter, removing the clothes of victim, putting his finger on her vagina and embracing her, calling the mother of victim as prostitute and slapping her is sufficient for the Court to believe that accused was having culpable mental state. The act of the accused shows mens-rea i.e. state of mind of accused indicating that he acted intentionally and did the act consciously, knowingly that his act will traumatized the victim. The act of accused was willful and with criminal intent. Except denying nothing has been brought on the record by the accused and even on the basis of preponderance of probabilities.

31. Since accused is being acquitted under Section 3 of the 'POCSO Act', he cannot be prosecuted under Section 65(2) of 'BNS' for committing the rape on the victim.

32. Thus considering the evidence of prosecution and the discussion done aforesaid the court is of the opinion that prosecution had proved that accused had committed an offence under Section 7 of the 'POCSO Act' and punishable under Section 8 of the 'POCSO Act' and not under Section 3 of the 'POCSO Act' and Section 65(2) of 'BNS'. Hence, I answer point no.2 in negative, point no.8 in partly affirmative, point no.9 in affirmative.

Other charges :

Point No.1, 3 To 7 :

33. Since the evidence has been discussed, it is not reproduced here to avoid its repetition.

34. Accused had entered the house of informant after preparation to put victim in fear and had wrongfully restrained her by slapping, he had caused hurt to informant. The evidence of victim and informant is trustworthy and reliable. Also Ajit Shiketode deposed regarding the presence of accused in his underwear in front of the house of informant. Thus the court is of the opinion that accused had committed house-trespass. Thus, he is guilty of Section 333 of 'BNS'.

35. Accused used criminal force with intention to outrage the modesty of victim and he had undressed her and kept his hand on vagina. Thus, he is held guilty under Section 74 of 'BNS'.

36. Further accused had made physical contact with victim and by putting finger on her private part had made unwelcome and explicit sexual overtures as defined under Section 75(1)(i) of section 75 of 'BNS' and he is accordingly held guilty for it.

37. Accused had called informant prostitute in her presence to her and also asked Ajit Shiketode whether they had come for this prostitute i.e. informant and thus, by its words, he had

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intended to insult the modesty of informant by the words which was heard by witnesses and thus, accused had committed an offence punishable under Section 79 of 'BNS'.

38. As per informant and victim, accused had slapped the informant. This act was not complained by the informant nor she was examined by the doctor. The act of slapping is not corroborated by any witness. Hence, accused is not held guilty under Section 115(2) of 'BNS'.

39. Accused had called informant a prostitute. He thereby threatened her with injury to her reputation. He called her prostitute also in presence of Ajit Shiketod, thus accused is being held guilty under Section 351 of 'BNS'.

40. Thus, I answer point no.1, 3, 4, 5 and 7 in affirmative and point no.6 in negative.

40. Here I take pause to hear the accused on the point of sentence.

Beed,
Date : 27/03/2026

(Anand L. Yawalkar)
SPL. & SESSIONS JUDGE,
BEED.

Judgment continued on 30/03/2026.

41. Accused is present alongwith his Ld. counsel Shri. V. S. Sanap. Accused submitted that he is having two sons and two daughters and he is only earning member of his family and prayed for lenient view.

42. Ld. APP Shri. A. B. Tidke for State submitted that accused forcefully entered in the house of minor victim and molested her and relied upon the evidence discussed in the judgment. It was also submitted that accused was having criminal antecedent and by pressuring the victim and witnesses he was acquitted in the earlier trials that were conducted against him. He prayed to grant maximum imprisonment for house-trespass under Section 333 of 'BNS' and Sections 8 of 'POCSO Act'.

43. Heard accused, Ld. counsel Shri. V. S. Sanap for accused and Ld. APP Shri. A. B. Tidke for State. Considering the submissions.

44. As discussed aforesaid, accused is found guilty for committing house house-trespass and for sexual assault as defined under Section 7 and punishable under Section 8 of 'POCSO Act' alongwith other Sections which do not carry the maximum punishment as observed in aforesaid Sections. Admittedly, earlier crime were registered against the accused and he was acquitted in R.C.C. No.237/2017 on 21/02/2024 and was also acquitted by this

Court in a Criminal Appeal. Thus considering aforesaid facts and act of accused of forcefully entering the house of victim in his underwear when victim was alone and thereby disrobing her, in the opinion of the Court, considering to major charges levelled against the accused, house-trespass and committed sexual assault, accused is held guilty, but since accused was tried as an under trial no fine amount is imposed. I accordingly award him sentence by passing the following order.

ORDER

- 1] Accused Abhimanyu Uddhav Jadhav is hereby convicted for the offence punishable under Sections 333, 74, 75, 79 351 (2) of Bhartiya Nyaya Sanhita, 2023, Section 7, 8 of Protection of Children From Sexual Offences Act, 2012, vide Section 258(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023.
- 2] Accused Abhimanyu Uddhav Jadhav is hereby convicted for the offence punishable under Sections 333 of Bhartiya Nyaya Sanhita, 2023 vide Section 258(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and sentenced to suffer rigorous imprisonment for **four years**;
- 3] Accused Abhimanyu Uddhav Jadhav is hereby convicted for the offence punishable under Section 74 of Bhartiya Nyaya Sanhita, 2023 vide Section 258(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and to suffer rigorous imprisonment for **02 years**;
- 4] Accused Abhimanyu Uddhav Jadhav is hereby convicted for the offence punishable under Section 75 of Bhartiya Nyaya Sanhita, 2023 vide Section 258(2) of the Bhartiya Nagarik Suraksha Sanhita, and to suffer rigorous imprisonment for **01 year**;

- 5] Accused Abhimanyu Uddhav Jadhav is hereby convicted for the offence punishable under Section 79 of Bhartiya Nyaya Sanhita, 2023 vide Section 258(2) of the Bhartiya Nagarik Suraksha Sanhita, and to suffer rigorous imprisonment for **01 year**;
- 6] Accused Abhimanyu Uddhav Jadhav is hereby convicted for the offence punishable under Section 351 (2) of Bhartiya Nyaya Sanhita, 2023 vide Section 258(2) of the Bhartiya Nagarik Suraksha Sanhita, and to suffer rigorous imprisonment for **01 year**;
- 7] Accused Abhimanyu Uddhav Jadhav is hereby convicted for the offence under Section 7 punishable Under Section 8 of the Protection of Children From Sexual offences Act vide Section 258(2) of the Bhartiya Nagarik Suraksha Sanhita, and to suffer rigorous imprisonment for **04 years**;
- 8] All the sentence to run concurrently.
- 9] Accused Abhimanyu Uddhav Jadhav is hereby acquitted for the offence punishable under Sections 65(2), 115(2) of Bhartiya Nyaya Sanhita, 2023 and Section 3 punishable u/sec. 4 of the Protection of Children From Sexual Offences Act, 2012, vide Section 258 (1) of the Bhartiya Nagarik Suraksha Sanhita, 2023.
- 10] Accused is in jail since 20/09/2024. He is entitled to set off under Section 468 of the Bhartiya Nagarik Suraksha Sanhita, 2023, for the period which he undergone in jail custody.
- 11] Muddemal i.e. T-shirt, full Pant, nicker and under-pant, being worthless be destroyed after appeal period is over.

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- 12] Copy of this Judgment be sent to Secretary DLSA Beed for granting compensation under the Manodharya Scheme, if not already granted.
- 13] Copy of Judgment be given to accused free of cost.

Beed,
Date : 30/03/2026

(Anand L. Yawalkar)
SPL.& SESSIONS JUDGE,
BEED.

Part 'C'
List of Prosecution/Defence/Court Witnesses.

A. Prosecution:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Naderkhan Yasirkhan Pathan (Exh.18)	Seizure and spot panch;
PW2	Informant (Exh.21)	Informant;
PW3	Ajit Gorakh Shiketod (Exh. 25)	Police Witness;
PW4	Mahadeo Chandrabhan Jadhav (Exh. 27)	Headmaster;
PW5	Vaishali Kalyanrao Khande (Exh. 32)	Teacher;
PW6	Vijay Gajanan Kulkarni (Exh. 33)	Clerk, Municipal Council, Beed;
PW7	Victim (Exh. 39)	Victim;
PW8	Abhijit Sudhakar Gaikwad (Exh. 41)	seizure panch;
PW9	Dr. Sonam Wamanrao Jaybhay (Exh. 51))	Medical Officer;
PW10	Sudam Dharmraj Sirsat (Exh. 58)	PSO;
PW11	Dr. Sushma Sudhakar Fule (Exh. 62)	Medical officer and
PW12	Rameshwar Madhukar Ingale (Exh. 70)	Investigating Officer.

B. Defence Witnesses, if any:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
—	—	--

C. Court Witnesses, if any:-

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
—	—	--

List of prosecution/defence/Court Exhibits**A. Prosecution:-**

Sr. No.	Exhibit Number	Description
1]	Exhibit P-12	Charge;
2]	Exhibit P-13	Plea of accused;
3]	Exhibit P-19	Seizure panchnama of clothes of victim;
4]	Exhibit P-20	Spot panchnama;
5]	Exhibit P-22	Complaint;
6]	Exhibit P-28	A letter dt. 21/09/2024 received from PS Peth Beed;
7]	Exhibit P-29	A letter given by Headmaster

		to IO
8]	Exhibit P-30	Admission extract;
9]	Exhibit P-31	Attendance register;
10]	Exhibit P-34	Birth certificate;
11]	Exhibit P-42	Seizure panchnama of cloth of accused.
12]	Exhibit P-45 to 47	CA examination reports;
13]	Exhibit P-52	A letter given by PSI Landage to Medical officer dt. 20/09/2024;
14]	Exhibit P-53	Medico legal examination report,
15]	Exhibit P-54	Final opinion;
16]	Exhibit P-55	A letter given to Medical Officer by I.O. dated 22/09/2024;
17]	Exhibit P-56	Forensic Medical Examination Report;
18]	Exhibit P-63	OPD paper;
19]	Exhibit P-64	X-ray;
20]	Exhibit P-71	arrest panchnama;
21]	Exhibit P-72	A letter given to office of DSLR for providing panchas;
22]	Exhibit P-73	A letter given to Municipal Council Beed for providing birth certificate;
23]	Exhibit P-74	A letter given CJM, Beed for recording of statement of victim and informant;
24]	Exhibit P-75	A letter given to FSL Aurangabad for depositing muddemal for CA examination;

(28)

25]	Exhibit P-76	Acknowledgment regarding handing of CA samples;
26]	Exhibit P-77 to 80	Certified copies of FIR.

B. Defence:-

Sr. No.	Exhibit Number	Description
—	—	--

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
-	-	-

D. Material Objects:-

Sr. No.	Material Object Number	Description
1	Article-1	T-shirt
2	Article-2	Jeans Pant
3	Article-3	Undergarment
4	Article-4	Undergarment

Beed,
Date : 30/03/2026

(Anand L. Yawalkar)
SPL.& SESSIONS JUDGE,
BEED.

(29) Special (POCSO) Case No. 199/2024
CNR No.MHBI010038312024
Judgment (Exh.85/A)

Dictated on : 27/03/2026 & 30/03/2026
Transcribed on : 27/03/2026 & 30/03/2026
Checked & signed on : 30/03/2026

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

Name of Steno : P. V. Bhosale
Name of Court : Sessions Court,Beed,

Sd/-
(P. V. Bhosale)
Stenographer Grade-III