

**MHBI04000167-2019**



Received on : 06-02-2019  
Registered on : 06-02-2019  
Decided on : 06-05-2026  
Duration : Ys Ms Ds  
07 03 01

**Exhibit No. : 76 /A**

**FORM NO.XXXII  
PART 'A'**

(Title page of Judgment)  
[Para 44(i) of Chapter VI of Criminal Manual]

**IN THE COURT OF SPECIAL JUDGE & ADDITIONAL  
SESSIONS JUDGE, AT AMBAJOGAI, DIST. BEED.**

**Present : Ajitkumr B. Bhasme, Special Judge, &  
Additional Sessions Judge, Ambajogai, Dist. Beed.**

**(Date of Judgment: 06.05.2026)**

**SPECIAL CASE (POCSO) NO. 02 OF 2019.**

<u>Prosecution</u>	The State of Maharashtra Through Police Station, Parli Rural, Tq. Parli Vajjnath, Dist.Beed.
<u>Complainant/ Informant.</u>	XXXXXX,
<u>Represented by prosecution.</u>	Shri. L.B.Phad, APP for the State of Maharashtra.
<u>Accused.</u>	1 Shrikrushna @ Kanha s/o. Atmaram Nagargoje, Age 19 years, Occ. Agri., R/o. Nagapur, Tq. Parli Vajjnath, Dist. Beed,

	2	Munjahari @ Sunil Tukaram Nagargoje, age 27 years, Occ. Agri., R/o. Nagarpur, Tq. Ambajogai, Dist. Beed.
--	---	--

<u>Represented by</u>	Learned Adv. A.B.Tidke for the accused.
-----------------------	---

**PART 'B'**  
**(Para 44(ii) Chapter VI Criminal Manual)**

Date of offence	22.12.2018
Date of F.I.R.	23.12.2018
Date of Charge-sheet	02.02.2019
Dates of Framing of Charge	17.01.2023
Date of commencement of evidence	18.07.2023
On which date statement of accused u/s. 313 of Cr.P.C. recorded	14.07.2025
Date of arguments	06.05.2026
Date of Judgment	06.05.2026

**ACCUSED DETAILS**

Rank of accused	Name of accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of sec. 428 Cr.P.C.
1)	Shrikrushna @ Kanhas/o. Atmaram Nagargoje	24.12.2018	15.01.2019	Under sections 363, 366(A), 376, 506, r/w. 34 of the IPC and section	Convicted for offence u/s. 366, 376 of IPC and sec.4 of POCSO Act.	Yes.	24.12.2018 to 15.01.2019.

				4 and 8 of the POCSO Act.			
2)	Munjah ari @ Sunil Tukara m Nagarg oje	24.12.20 18	15.01.20 19	--do--	Convic ted for offence u/s. 366 of IPC.	Yes.	24.12.201 8 to 15.01.201 9.

**Part 'C'**  
**(Para 44(iii) Chapter VI Criminal Manual)**

**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES.**

**A. PROSECUTION :**

Rank	Name	Nature of evidence
PW-1	Hanumant Neminath Aghav (Exh.14)	Spot panch witness.
PW-2	RKA (Exh.18)	Informant.
PW-3	JRA (Exh.23)	Victim
PW-4	Dr. Vyankatesh Panditrao Tidke	Medical Officer.
PW-5	Sunil Rambhau Garje (Exh.30)	Head Master of the victims school.
PW-6	Vikas Chatru Aade (Exh.33)	Investigating officer.

**B. DEFENCE WITNESSES, IF ANY :**

Sr.No.	Exhibit No.	Description
DW-1	Nil	Nil
DW-2	Nil	Nil

**C. COURT WITNESSES, IF ANY :**

Rank	Name	Nature of evidence
CW-1	No.	No.

CW-2	No.	No.
------	-----	-----

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS.**

**A. PROSECUTION :**

Sr.No.	Exhibit No.	Description
1)	Exhibit P-1/PW1- 15	Spot panchanama
2)	Exhibit P-2/PW2 - 19	Report.
3)	Exhibit P-3/PW3 - 24	Statement of victim before JMFC
4)	Exhibit P-4/PW4 - 28	Form before medical examination of victim.
5)	Exhibit P-5/PW4 - 29	Letter issued to medical officer for examination of victim.
6)	Exhibit P-6/PW5 - 31	School leaving extract of victim.
7)	Exhibit P-7/PW6 - 44 & 45	Arrest panchanamas of accused
8)	Exhibit P-8/PW6 - 46	Memorandum panchanama.
9)	Exhibit P-9/PW6 - 47	Seizure panchanama of motorcycle
10)	Exhibit P-10/PW6 - 48	Spot panchanama.
11)	Exhibit P-11/PW6 - 49	Letter issued to FSL along-with clothes of accused and victim.
12)	Exhibit P-12/PW6 - 50	Portion marked 'A' from the statement of the victim.
13)	Exh.52	Evidence close pursis
14)	Exh.71	Statement of accused under section 313 of Cr.P.C.

**B. DEFENCE :**

Sr.No.	Exhibit No.	Description
1)	Exhibit D-1/DW1	Nil
2)	Exhibit D-2/DW2	Nil

**D. COURT EXHIBITS :**

Sr.No.	Exhibit No.	Description
1)	Exhibit C-1 / CW1	Nil
2)	Exhibit C-2 / CW2	

**E. MATERIAL OBJECT :**

Sr.No.	Material object No.	Description
1)	MO1	One Travel ticket, one underwear and one nicker
2)	MO2	One Hero Honda CD Deluxe old motorcycle and one DVD

<b>CHARGES :</b>	For the offences punishable under Sections 366 r/w. 34, 376 of the Indian Penal Code, 1860 and section 4 of the Protection of Children From Sexual Offence Act, 2012.
------------------	---

**(Note : In view of Section 33 (7) of The POCSO Act; guidelines of The Hon'ble Supreme Court in paragraph No. 43(6) in the case of Nipun Saxena & Anr. Vs. Union of India & Anr. [https://HYPERLINK "https://indiankanoon.org/doc/143288964/"](https://indiankanoon.org/doc/143288964/) & Sangita w/o. Yeshwant Tanpure Vs. The State of Maharashtra and others, unreported Judgment in Criminal Public Interest Litigation No. 1 of 2016 by The Hon'ble Bombay High Court (Coram: Hon'ble Shri T.V. Nalawade & Shri M.G. Sewlikar, JJ.) Aurangabad Bench, names of the informant cum victim, her parents are not disclosed anywhere, but they are addressed with a particular letter just to identify them; her other information like school name etc. are also not disclosed. Where the names are taken, those are to the extent and by taking care, that identity of the victim will not be disclosed).**

**JUDGMENT**

(Delivered on 06<sup>th</sup> Day of May, 2026)

1. The accused Shrikrushna @ Kanhya Atmaram Nagargoje and Munjahari @ Sunil Tukaram Nagargoje having been tried for the offences punishable under Sections 366 r/w.34, 376 of the Indian

Penal Code, 1860 and section 4 of the Protection of Children From Sexual Offences Act, 2012.

2. **Brief facts of the prosecution case are as under:**

RKA lodged a report on 23.12.2018 that on 22.12.2018 at 4.00 p.m. his minor daughter victim JPA, age 17 years had gone to switch on the electric motor pump situated in-front of his home. At that time Krushna Atmaram Nagagoje R/o. Nagapur and Rameshwar Baburao Gutte resident of Nananj, Tq. Parli Vaijnath came there on Parli To Dharmapuri road and two unknown persons on another motorcycle forcibly kidnapped her minor daughter and accused Krushna Atmaram Nagargoje called up his son and informed that they were going to marry. The accused Rameshwar Gutte assisted the accused Shrikrushna. Accordingly, lodged a report.

3. On the basis of said report, Parli Rural police station registered the crime No.267/2018 for the offences punishable under sections 363, 366-A, 376, 506 r/w.34 of the Indian Penal Code, 1860 and section 4 and 8 of the Protection of Children From Sexual Offences Act, 2012. In investigation it was revealed that on 15.12.2018 the accused Shrikrushna gave a cell phone set with sim card to the victim by stating that he loves her. He used to call up and send messages on said cell phone. On 22.12.2018 the accused No.1 kidnapped her and took in his home and married by tendering garland and mangalsutra. The accused Munja assisted them. While they were proceeding towards Ambajogai, the accused No.1 had sexual intercourse with the victim near Nagapur lake in bushes. Then they

went at Ambajogai and thereafter at Latur and thereafter Pune and thereafter at Raigad and then returned back to Nagapur. Thereafter, police brought them to the police station.

4. The investigation officer conducted the investigation. During investigation he went to the spot of incident, prepared spot panchanama, recorded the statements of witnesses, collected the birth certificate of the victim and finally filed a charge-sheet in the court.

5. The accused appeared, and a charge was framed against them at Exh.19 by my learned predecessor for the offences punishable under sections 366 r/w. 34 and section 376 of IPC and section 4 of the POCSO Act. Its contents were read over and explained to them in vernacular, they pleaded not guilty and claimed to be tried. The prosecution examined six witnesses. The statement of the accused under section 313 of Cr.P.C. is recorded at Exh.71. The defence of the accused is of false implication and total denial.

6. Heard the learned Spl.P.P. and learned advocate for the accused.

7. Following points arise for determination of this court. Court records its findings thereon for the reasons to be recorded below.

<b>Sr.No.</b>	<b>POINTS</b>	<b>FINDINGS</b>
1.	Whether prosecution proved that on 22.12.2018 victim JRA was a child as per section 2(d) of the POCSO Act?	In the affirmative.

<b>2.</b>	Whether prosecution proved that, on 22.12.2018 at about 4.00 p.m. on Dharmapuri to Parli road within the limits of village Saradgaon, Tq. Parli, accused No.1 and 2 in furtherance of their common intention, kidnapped the minor girl JRA from the lawful guardianship of her parent with intent that she may be compelled or knowing that she would be compelled to marry with accused No.1 Shrikrushna @ Kanha Atmaram Nagargoje against her will or in order that she would be forced or seduced to illicit intercourse and thereby both accused committed an offence punishable under section 366 r/w. 34 of Indian Penal Code, 1860?	In the affirmative.
<b>3.</b>	Whether prosecution proved that on 22.12.2018 in the night time near the lake of village Nagapur on Nagapur to Ambajogai road, accused Shrikrushna @ Kanha forcibly committed a rape on said minor girl JRA against her wish and thereby he committed an offence punishable under section 376 of Indian Penal Code, 1860?	In the affirmative.
<b>4.</b>	Whether prosecution proved that on 22.12.2018 in the night time near the lake of village Nagapur on Nagapur to Ambajogai road, accused Shrikrushna @ Kanha committed penetrative sexual assault on minor girl JRA and thereby he committed an offence punishable under section 4 of the Protection of Children From Sexual offences Act, 2012?	In the affirmative.

5.	What order?	As per final order.
----	-------------	---------------------

**:: REASONS ::**

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

8. P.W.2 RKA (Exh.18) the father of victim JRA deposed that on the day of incident i.e. on 22.12.2018 the age of his daughter i.e. victim was 17 years and she was studding in Vaidyanath Mahavidyalaya Parli. In cross-examination he stated that he doesn't know the birth dates of his two sons and three daughters. He denied that he deposed the false age of his daughter.

9. P.W.3 JRA victim (Exh.23) deposed that in the year 2018 she was studying in 11<sup>th</sup> standard in Vaidyanath College Parli Vaijnath.

10. P.W.5 Sunil Gajare (Exh.30) the head master of Kedari Maharaj school Nandnanj, Tq. Parli Vaijnath deposed that on the receipt of summons he brought records in respect of birth date of girl student JRA. As per record she was admitted to his school on 27 June 2013 in 6<sup>th</sup> std. As per school record, her birthdate is 15<sup>th</sup> July 2002. The said entry is taken on the basis of her school leaving certificate of primary school. A copy of the school admission and leaving certificate of said student was shown to him, its contents are as per original record it bears signature of retired head master Bhagwat Karad. It is at Exh.31. In cross-examination he stated that he was deposed in the court on the basis of entries made in the school register.

11. The accused not specifically denied the age of victim by cross-examining father of victim P.w.2 RKA. He did not specifically deny that at the time of incident victim JRA was more than 18 years old. Though P.W.5 Sunil Garje Head Master of Kedari Maharaj Vidyalaya Nananj deposed that he has deposed before the court on the basis of entry of birth of victim in school admission and leaving register, he had no concern with the birth document of said student from her previous school. Here case in hand, the accused did not seriously challenge the birth date of the victim nor cross-examine her father nor head master of her school. So as per this court, the prosecution succeeded to prove that at the time of incident the victim was less than 18 years old and child as per section 2(d) of the POCSO Act. Therefore, this court records its finding to point No.1 in the affirmative.

**AS TO POINT NOS. 2 TO 4 :-**

12. P.W.2 RKA (Exh.18) The incident happened during 3.00 to 4.00 p.m. in front of his home situated at village Saradgaon on Parli to Dharmapuri road. At that time he was working in his field. He heard the loud voice of his victim's daughter and saw that there were Krushna, Rameshwar and Munja on two motorcycles. He saw that accused Rameshwar and Krushna were forcibly causing his daughter to sit on a motorcycle and they had gone towards town Parli by placing the victim on said motorcycle. Thereafter, the accused No.1 called up his nephew Rahul Kisan Aghav and told that he and the victim were going to marry. On the next day, he lodged the report (Exh.19) at Parli Rural police station.

13. He further deposed that on the 24th day the victim told him that the accused took her on the grazing land of village Nagapur, where accused No.1 committed atrocities on her. Then they took her to Ambajogai. Thereafter, accused No.1 and 2 took her to Pune where his sister and brother in law were residing. In cross-examination he stated the name of accused Munja to police but his name was not mentioned in the report as he was not knowing him.

14. P.W.3 JRA (Exh.23) the victim deposed that in the year 2018 she was attending her school from her village Saradgaon by bus. 7 days prior to the incident while she was near bus stand Parli Vaijnath, the accused No.1 met her and gave her cell number on a piece of paper and asked her to call up and send messages . After two days accused No.1 brought one cell phone set and delivered it to her. On 22.12.2018 after returning from her college at 4.00 p.m. while she was proceeding towards her field, the accused No.1 and 2 were standing on said road on their motorcycle. When she came on the road, the accused No.1 told her to sit on a motorcycle and he was willing to marry her. After her denial, he threatened to commit suicide. Then he caused her to sit on a motorcycle and took her to his home at village Nagapur, where he falsely married her after tendering garlands and mangalsutra. He also put toe rings (Jodve) in her foot fingers. Then he took her near Nagapur lake and where he committed penetrative sexual assault on her. Then he took her to Ambajogai from Nagapur by motorcycle. The accused No.1 caused her to sit on his motorcycle and Munjoba was also sitting on his motorcycle. One other person was on another motorcycle. Then accused No.1 and 2 took her

to Pune by travel bus. The third person returned back from Ambajogai. Then Munja Nagargoje and accused Krushna took her to Raigad. Then she received a phone call from her home. Then, she and accused No.1 returned back to Beed by bus and then they came to village Nagapur by four wheeler. Then police took them to Parli police station. Then she was sent to Government hospital. The lady Judge in Ambajogai court recorded her statement (Exh.24). The accused No.1 tendered her garland and snapped photos. The said photos are at Article A to C. In cross-examination she denied that the accused No.1 and 2 did not kidnap her from lawful guardianship of her parents.

15. P.W.1 Hanumant Aghav (Exh.14) deposed that on 25.02.2018 the Parli Rural police called him in front of the home of an informant situated at village Saradgaon on Parli to Dharmapuri road. Another panch namely Vijyamala Neharkar was accompanied with him. Police prepared panchanama and read it to him. Thereafter police obtained his signature. There is a map with panchanama. It is at Exh.15. In cross-examination he stated that at the time of panchanama, the labourers were working in nearby fields.

16. P.W.4 Dr. Vyenkatesh Tidke (Exh.27) deposed that on 24.12.2018 he was posted as casualty medical officer at Sub District Hospital Parli. On that day at or about 6.10 p.m., a girl aged about 17 years by name JRA was brought to casualty department by PSI Shri.V.C.Aade of Parli Rural police station. He recorded history stated by her about sexual assault on her at 7.00 p.m. on 22.12.2018 and after consent of her father, he conducted medical examination after

recording identification marks. Secondary sexual growth was normal. The estimated duration of the incident was one to seven days. She had given the name of the assailant as Shrikrushna Atmaram Nagargoje. She then narrated that there was penetration by penis in her vagina. She had changed the clothes after the incident before 48 hours of her medical examination. She had no injury to her private parts.

17. He had collected her scalp hairs, nail scrapings, nail clippings, oral swab, blood for grouping and DNA analysis, urine, cutting of pubic hair, two vulval swabs and two vaginal swabs with vaginal smear, vaginal washing, urethral swab and swab from glans of penis / clitoropenis. Thereafter, he filled in all this information in the prescribed form. He sealed the collected samples and handed over the same to PSI Shri.V.C.Aade. He also had prepared a form at the time of said examination and thereafter made his signature on it. The said form is at Exh.28 comprising pages Nos.62 to 74.

18. In cross-examination he stated that the clinical examination particularly on external body parts, genitals parts were not suggesting a case of forcible intercourse.

19. P.W.6 Shri.V.C.Ade (Exh.33) deposed that on 23.12.2018 he was working at Parli Rural police station as PSI. On that day he received the investigation of the present crime. He has also received the identity card and school admission register of the victim girl. He issued a request letter to the Cyber Cell to get the CDR of the mobile

phone of the accused and as per his current location he was found to have come to Nagapur. Therefore, he went to Nagapur and brought the accused and victim to the police station. Thereafter, he recorded the statement of victim girl JRA and by obtaining consent of the informant and victim conducted the medical examination of the victim at Government hospital Parli. He seized the clothes of the victim girl by drawing panchanama Exh.334. Thereafter he got the medical examination of the accused. On 25.12.2018 he visited the spot of incident and drew the spot panchanama. As per the statement of the victim girl since the sections of crimes were added in offence, he issued a letter to the Sessions Court Ambajogai. He arrested both the accused, presented before court and obtained their custody remand. Thereafter he recorded a memorandum statement of accused Munjahari Nagargoje and as per the say of accused, he and other police, accused and panch witnesses went by police vehicle at Nagapur. After reaching there, the accused Munjahari produced the motorcycle kept hidden in the house of accused No.2 Shrikrushna before them. He seized it in presence of two panch witnesses and drew its panchanama Exh.47. Thereafter, as stated by the accused, they went to the spot of the incident. He showed a spot over there where the accused Shrikrushna Nagargoje had committed rape on the victim. He drew its spot panchanama Exh.48 in presence of two Government panch witnesses. Thereafter, he recorded statements of five witnesses. Thereafter, he issued a letter to Tahsildar to draw the panchanama and map of the spot. On 27.12.2018 he recorded statements of other two witnesses. On 28.12.2018 he sent the clothes of the victim and accused to the Forensic Sciences Laboratory with a

letter Exh.49.

20. In cross-examination he stated that the Victim girl stated the portion marked 'A' in her statement i.e. she used to send messages and used to talk with the accused through a cell phone given by the accused. She had not stated to him that there were two motorcycles and the third person returned from Ambajogai.

21. The prosecution has proved the panchanama of the spot of incident by examining P.W.1 Hanumant Aghav. The evidence of victim i.e. P.W.3 JRA is corroborated by the evidence of her father P.W.2. Nothing has been brought on record in cross-examination of these witnesses. Though P.W.4 Dr. Vyenkatesh (Exh.27) in evidence stated that there was no injury at the private parts of victim but she narrated history of penetrative sexual assault to him. The evidence of PW.3 victim JRA has gone unchallenged. Her evidence is sterling and inspires confidence. There is nothing to disbelieve on her sole evidence about the penetrative sexual assault. The IO has conducted formalities of investigation. Though victim JRA denied the portion marked 'A' but the same is proved by defence by cross-examining IO P.W.6 Vilas Aade which is at Exh.50, but as per law consent of victim below age 18 years has no value. Therefore, as per this court, the prosecution proved beyond reasonable doubt that on 22.12.2018 the accused No1 and 2 kidnapped the victim JRA from the lawful custody of her parents and accused No.1 committed rape and penetrative sexual assault on victim JRA. Therefore, this court records its finding to point No.2 in the affirmative in respect of accused No.1 and 2 and in

the affirmative to the point No.3 and 4 in respect of accused No.1. Therefore, now it is necessary to hear the accused and prosecution on the point of sentence.

Date : 06.05.2026.

**(Ajitkumar B. Bhasme)**  
Special Judge (POCSO)  
Ambajogai.

22. The Learned Special PP argued that the accused has committed the heinous and grave offence, so deterrent punishment be imposed. On the other hand Ld. Advocate for accused argued that, this is the first offence of accused, considering his age leniency may be shown.

23. As per this court, the accused are young. This is their first offense. The victim and accused No.1 were in love. Therefore it is necessary to take a lenient view with them.

24. As per section 42 of the POCSO Act, if accused is found guilty punishable under Indian Penal Code and POCSO Act, notwithstanding anything contented in any law for time being in force, the offender found guilty of such offence shall be liable to punishment under POCSO Act or under IPC as provides for punishment which is greater in degree. The punishment provided by section 4 of the POCSO Act and 376 is the same. Hence, the court proceeds to pass the following order.

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

**1)** Accused No.1 Shrikrushna @ Kanha s/o. Atmaram Nagargoje, age 19 years, is hereby convicted under section 235 (2) of Cr.P.C. for the offence punishable under section 4 of the POCSO Act. He shall undergo rigorous imprisonment for ten years and fine of Rs. 500/- (Rs. Five Hundred only) in default, he shall undergo RI for 3 months.

**2)** Accused Shrikrushna @ Kanha s/o. Atmaram Nagargoje and Munjahari @ Sunil s/o. Tukaram Nagargoje are hereby convicted under section 235 (2) of Cr.P.C. for the offence punishable under section 366 of the Indian Penal Code, 1860. They shall undergo rigorous imprisonment for three years each and fine of Rs. 500/- (Rs.Five Hundred only) each in default, they shall undergo RI for 3 months each.

**3)** Accused Shrikrushna @ Kanha s/o. Atmaram Nagargoje, is not convicted under section 376 of IPC. (vide section 42 of POCSO) Act, 2012.

**4)** All sentences shall run concurrently.

**5)** The accused No.1 and 2 were in Jail from 24.12.2018 to 15.01.2019. Therefore, they are entitled to set off under section 428 of Cr.P.C. for the said period.

- 6) Accused No.1 and 2 to surrender their bail bonds.
- 7) The Muddemal property i.e. ticket and clothes being worthless, hence destroyed after the appeal period is over.
- 8) Copy of the judgment be given to the accused free of cost immediately.
- 9) The copy of the judgment be sent to the Hon'ble DALSA for compensation to the victim.
- 10) Copy of judgment be sent to the District Magistrate, Beed under section 365 of The Code of Criminal Procedure, 1973.

Date : 06.05.2026.

**(Ajitkumar B. Bhasme)**  
Special Judge (POCSO),  
Ambajogai.

\*\*\*

CERTIFICATE

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

Dictated on 06.05.2026

Transcribed on 06.05.2026

Checked & Signed on 06.05.2026

Date: 06.05.2026

A.S.PANHALE  
STENOGRAPHER GR-1