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IN THE COURT OF THE SPECIAL JUDGE, PUNE.
AT : PUNE.

[Presided over by Mrs. Prachi P. Kulkarni, Special Judge and District Judge, 01, Pune under The Protection of Children from Sexual Offences Act, 2012]

Exh. No.
Special (Child) Sessions Case No.29 OF 2014.

The State of Maharashtra,
(Through PSO Shikrapur police station) Complainant.

Vs.

Deepak Shyamrao Jagtap,
Age : 19 years, Occu. Driver,
R/at : Kendur, Thite Ali,
Dist. Pune.

.... Accused.

Charge for the offence punishable under
S. 354-A of IPC and Sec. 11 r/w 12 of The
Protection of Children from Sexual
Offences Act, 2012.

Appearances :

Shri. P. S. Jadhav, Special. Public Prosecutor for the State.
Shri. D.S.Dhamale, Advocate for the accused.

J U D G M E N T

(Delivered on 24-07-2014)

Accused Deepak Shamrao Jagtap is facing this trial for commission of offence punishable under Section 354-A of the Indian Penal Code and under Sec. 11 r/w 12 of The Protection of Children from Sexual Offences Act, 2012.

2] The say of prosecution is that the complaint is lodged by complainant Aarti Balasaheb Thite on 30-10-2013 alleging that she is aged 15½ years and is residing at Thite-Aali, Kendur, Tal. Shirur, Dist. Pune along with her father, mother and brother. It is her say that she is studying in Sardar Raghunathrao Dhavale High School, Kendur. It is her say that on 30-10-2013 at about 8 a.m. by walk she went to her school to fill her SSC Board Examination Form and reached to the school at about 8.30 a.m. In front of school gate, accused Deepak Jagtap, who is known to her is residing. He called her stating that 'Aarti wait, but without giving any attention to his call, she proceeded further. That time he came near to her and caught hold her hand and took her in his house and told her that she likes him and he loves her. So he pulled her towards him and embraced her and moved his hand around her body. She objected and told him that she has to appear for examination and she has to go to school, but he had not heard. After some period, her father Balasaheb and uncle Suresh Thite came there. Her father started calling her. Then accused Deepak Jagtap ran away from the back door of his house. Thus she filed complaint to Shikrapur police station.

3] Shikrapur police have registered the said complaint at CR No. 301/2013 under Sec. 354(A) of the Indian Penal Code and under Section 11 r/w 12 of The Protection of Children from Sexual Offences Act, 2012. The Investigating Officer effected the spot Panchanama, recorded the statements of witnesses, arrested the accused and filed charge sheet in the court on 10-2-2014.

4] The record shows that accused was arrested by Shikrapur police on 12-11-2013 and was released on bail.

5] I framed the charge against the accused under Section

354(A) of the Indian Penal Code and under Sec. 11 r/w 12 of The Protection of Children from Sexual Offences Act, 2012. The said charge was read over and explained to the accused in Marathi. Accused denied the charge and claimed to be tried.

6] To prove the case, prosecution examined complainant victim girl Aarti Balasaheb Thite vide Exh.4 and her father Balasaheb Balasaheb Govind Thite vide Exh.5. Both turned hostile and not supported the prosecution case. So State filed Purshis vide Exh.7 of closing of evidence.

7] As I have not noticed any incriminating circumstances on record against the accused, so I have not recorded the statement of accused under Section 313 of the Criminal Procedure Code. I pass order to that effect below Exh.1.

8] I heard submissions of both the sides. Following points arise for my determination. I record my points and findings together for the reasons stated below :-

POINTS

FINDINGS

1] Does prosecution prove that accused on 30-10-2013 at about 8.30 hrs. in front of Sardar Raghunathrao Dhavale High School, Kendur, Tal. Shirur, Dist. Pune assaulted or used criminal force on complainant Kum. Aarti Balasaheb Thite when she was going to school by calling her and caught hold her hand, intending to outrage her modesty and thereby committed an offence punishable under S. 354(A) of the Indian Penal Code ?

.... No.

2] Does prosecution further prove that on the same day, date, time and place and during the course of same transaction, accused committed sexual harassment to complainant Aarti Thite and committed an offence punishable under S. 11 r/w 12 of The Protection

of Children from Sexual Offences Act, 2012 ?

.... No.

3] What order ?

.... As per final order.

REASONS

9] **POINT NOS. 1 AND 2 :-** It seems that complainant Aarti Thite lodged the complaint before Shikrapur police alleging that accused outraged her modesty by caught holding her hand and taking her inside his house, expressing his love to her and embraced her and moved his hand around her body and outraged her modesty and this incident seems to be occurred on 30-10-2013 at about 8.30 a.m. in the house of accused itself. But complainant Aarti as well as her father Balasaheb Thite are not ready to state anything on record against the accused as per the story of prosecution. It seems that considering the minor age of victim girl and her future life, both might have decided not to state anything against the accused before the Court and, therefore, they might have compromised the matter outside the Court. As no evidence is on record against the accused, I have to hold that the alleged charges against the accused are not proved on record. Thus I answer the points accordingly and proceed to pass the following order.

ORDER

1] The accused Deepak Shamrao Jagtap is hereby acquitted for the offence punishable under Section 354(A) of the Indian Penal Code and under Section 11 r/w 12 of The Protection of Children from Sexual Offences Act, 2012, under the provisions of Section 235(1) of Criminal Procedure Code.

2] His bail bonds stand cancelled.

3] Accused Deepak Shamrao Jagtap shall execute SB and PB of Rs. 15,000/- fresh, as per Section 437-A of the Criminal

Procedure Code.

Pune,

Dated/- 24-07-2014.

(Mrs. Prachi P. Kulkarni)

Special Judge & District Judge,01, Pune (Under
The Protection of Children from Sexual
Offences Act, 2012)

I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment. Name of Steno : Shri. V. V. Bannur, PA. Court Name : Smt. P. P. Kulkarni, District Judge, 01, Pune. Judgment signed by P.O. on : 25-07-2014 Judgment uploaded on : 28-07-2014 Date of PDF file : 28-07-2014