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SPECIAL CASE NO. 15 OF 2025

EXH NO. 39

<p>FORM NO. XXXII Part 'A' (Title Page of Judgment) [Para 44(i) of Chapter VI of Criminal Manual]</p>	
<p><u>IN THE COURT OF JUDGE, SPECIAL COURT, BULDHANA</u> (Presided over by Shaikh Akbar Shaikh Jafar)</p>	
Date of Judgment :	1/4/2026
<u>SPECIAL CASE NO.</u>	<u>15/2025</u>
FIR/Crime No.	03/2025
Police Station :	Dhad, Dist.Buldhana
Prosecution	State of Maharashtra, through Police Station Dhad,Dist.Buldhana
Represented by	Learned APP Shri A.A.Kesale,
Accused	1] Nilesh Ranjeet Bhakkad, Age-22 years, 2] Saurav Gokul Dhanawat, Age-22 years, Both R/o Chandol, Tq.Dist.Buldana
Represented by	Learned Counsel Shri R.D.Meher

Part 'B'

[Para 44(ii) of Chapter VI of Criminal Manual]

Date of offence	7/1/2025
Date of FIR	7/1/2025
Date of Charge-sheet	3/3/2025
Date of framing of Charges	15/12/2025
Date of commencement of Evidence	11/3/2026
Date on which Judgment is reserved	1/4/2026
Date of the Judgment	1/4/2026
Date of the Sentencing order, if any	--

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 purpose of Section 428
1.	Nilesh Ranjit Bhakkad	8/1/25	14/1/25	U/Secs. 75, 78 r/w 3(5) of the BNS and Sec.12 of the POCSO Act	Accused are acquitted.	--	--
2.	Saurav Gokul Dhanawat	8/1/25	14/1/25				

Part 'C'

[Para 44(iii) of Chapter VI of Criminal Manual]

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

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESSES, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS)
PW 1	Victim [Exh.27],	Victim,
PW 2	Mother of victim [Exh.30]	Mother of victim,
PW 3	Nitinsigh Sureshsing Chavan [Exh.34],	Investigating Officer.

B. DEFENCE WITNESSES, IF ANY

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESSES, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS)
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C. COURT WITNESSES, IF ANY

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESSES, POLICE WITNESS, MEDICAL WITNESS, PANCH WITNESS)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit	Description
1.	PW 1-Exh.28, Exh.29,	Report, FIR,
2.	PW 3- Exh.35,	Portion mark "A" in the statement of mother of victim.

B. Defence :

Sr. No.	Exhibit	Description
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C. Court Exhibits :

Sr. No.	Exhibit	Description
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D. Material Objects:

Sr. No.	Material Object Number	Description
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JUDGMENT

(Delivered on this 1st day of April 2026)

1] Accused persons are facing trial for the offences punishable under Sections 75, 78 read with Section 3(5) of the Bharatiya Nyaya Sanhita and Section 12 of the Protection of Children From Sexual Offences Act, 2012 [for short "the POCSO Act"]

2] Prosecution case, in short, is as under;

Informant is the victim of 13 years 9 months. She resides along with her parents and brothers at village Chandol, Tq.Dist.Buldhana. She is learning in 9th standard in Sahakar Vidya Mandir, Dhad and does up-down by bus. On 6.1.2025, there was cultural programme in the school and victim had participated in the said programme. At about 3.00 p.m., victim was standing outside of gate of school. At that time, both accused came there and called her to talk, but she refused and went away. On 7.1.2025 at about 11.00 a.m. victim went to school by bus for taking part in the cultural programme. At about 3.30 p.m., her dance programme was over. Then she came out and was standing on the road near gate of school. At that time, both accused came near to her and asked her that why she is not talking with them. Victim said them to leave her. Thereupon, accused Nilesh tried to catch hold her hand, due to which, she frightened and came home. At about 9.00 p.m. she narrated the incident to her parents. Thereafter, she along with her parents went to the police station and lodged report.

3] On the basis of report lodged by informant, Crime No. 03/2025 for the offences punishable under Sections 75, 78 read with Section 3(5) of the Bharatiya Nyaya Sanhita and Section 12 of the POCSO Act came to be registered against the accused at Police Station, Dhad. During the course of investigation, Investigating Officer visited the spot and prepared spot panchanama. Accused came to be arrested. He recorded statement of witnesses. During

investigation, having found ample evidence against accused, Investigating Officer filed charge-sheet before this Court.

4] My learned predecessor framed charge against accused for the offences punishable under Sections 75, 78 read with Section 3(5) of the Bharatiya Nyaya Sanhita and Section 12 of the POCSO Act vide Exh.21. Contents of charge were read over and explained to accused in vernacular to which accused pleaded not guilty and claimed to be tried. Defence of accused as gathered from the statement recorded under Section 351 of Bharatiya Nagarik Suraksha Sanhita, 2023 (S.313 of Cr.P.C.) and the suggestions to the prosecution witnesses is of total denial.

5] Heard learned APP Shri Kesale for the prosecution and learned Counsel Shri Meher for accused persons.

6] Considering the case of prosecution, evidence on record and defence of accused, following points arise for my determination. The points and my findings thereon for the reasons here-in-after are as under;

Sr. No.	Points	Findings
1]	Does the prosecution prove that on 7.1.2025 at about 15.30 hours in front of Sahkar Vidya Mandir, Buldana, Tq.Dist.Buldana, both accused in furtherance of their common intention,	

	advanced involving unwelcome and explicit sexual overtures towards minor victim girl aged about 13 years with sexual intent and thereby committed an offence punishable under Section 75 r/w 3(5) of the Bharatiya Nyaya Sanhita ?	In the negative.
2]	Does it further prove that on the same date, time and place, both accused in furtherance of their common intention, followed and attempted to contact minor victim girl aged about 13 years to foster personal interaction repeatedly despite a clear indication of disinterest by her, and thereby committed an offence punishable under Section 78 r/w 3(5) of the Bharatiya Nyaya Sanhita ?	In the negative.
3]	Does it further prove that on the same date, time and place, accused committed sexual harassment on minor victim girl aged about 13 years by committing above-said act and thereby committed an offence punishable under Section 12 of the POCSO Act ?	In the negative.
4]	What order ?	Accused are acquitted as per final order.

REASONS

7] According to the prosecution, at the relevant time, accused persons in furtherance of their common intention, were found advanced involving unwelcome and explicit sexual overtures

towards minor victim girl aged about 13 years with sexual intent and also followed and attempted to contact her to foster personal interaction repeatedly despite a clear indication of disinterest by her and thereby committed sexual harassment upon her.

8] In order to strengthen the aforesaid charges, prosecution has examined in all three witnesses. Evidence of PW 1 victim is at Exh.27, evidence of PW 2 mother of victim is at Exh.30 and evidence of PW 3 Investigating Officer PSI Nitinsinh Sureshsinh Chavan is at Exh.34. Prosecution closed its evidence by filing pursis Exh.36.

9] Defence side did not adduce evidence.

AS TO POINT NOS. 1 TO 3

10] All the points are interlinked with each other, hence taken together for decision.

11] PW 1 victim did not support to the case of prosecution. She denied that she had participated in the cultural programme in the school and before one day of incident, accused had called her on gate of the school. She also denied that on 7.1.2025 after participating in the programme, while coming on the gate of school, accused came there and attempted to contact her and caught hold her hand. She also denied that after coming home, she narrated incident to her parents. She turned against the prosecution by

denying all the contents of oral report and FIR. Even after cross-examination by the prosecution at length, she has not supported the prosecution story in any way. In cross-examination, she admitted that she was having talking terms with the accused and this fact is came to into the knowledge of her family, therefore, she lodged complaint. Thus, the possibility cannot be ruled out that the complaint was lodged under the pressure of family who were in anger upon knowing that the accused were having talking terms with the victim. It also appears in the cross-examination that at the time of recording statement before the Court under Section 164 of Cr.P.C., police persons were accompanied with her and they have stated what was to be stated before Magistrate. Hence, it appears that accused were implicated in the case having anger against them.

12] PW 2 mother of victim also did not support to the case of prosecution. She denied that on 7.1.2025 victim was looking sad after coming from school. She also denied that victim told her that after programme of school was over, accused attempted to contact her and caught hold her hand and prior to one day also, they tried to talk with victim. She turned against the prosecution. Even after cross-examination by the prosecution at length, she has not supported the prosecution story in any way.

13] The prosecution thereafter examined only police witness i.e. PW 3 Investigating Officer PSI Nitinsinh Sureshsinh Chavan. He deposed that he received investigation of Crime No.03/2025.

Thereafter, he conducted spot panchanama in presence of two panchas. He then arrested accused. He deposed that further investigation was carried out by Parmeshwar Kendre and he recorded statements of witnesses and also recorded portion mark "A" of statement of mother of victim vide Exh.35. However, unless and until, there is material evidence on record, this evidence does not help the prosecution to prove its case. The fact remains that the material witnesses have not supported the prosecution story. Thus, the evidence of PW 3 Investigating Officer PSI Nitinsinh Sureshsinh Chavan is formal in nature.

14] Considering the above discussion, in absence of any corroboration to the prosecution by the prime witnesses, I hold that prosecution failed to prove any of the charge levelled against accused persons. Hence, accused persons are entitled for the benefit of doubt. Accordingly, Points No.1 to 3 are answered in the negative.

15] In the result, following order is passed;

ORDER

1] Accused No.1 Nilesh Ranjeet Bhakkad and accused No.2 Saurav Gokul Dhanawat are acquitted of the offences punishable under Sections 75, 78 read with Section 3(5) of the Bharatiya Nyaya Sanhita and Section 12 of the Protection of Children From Sexual Offences Act, 2012, vide Section 258(1) of The Bharatiya Nagarik Suraksha Sanhita [Section 235(1) of Cr.P.C.].

- 2] Bail bonds of accused persons stand cancelled.
- 3] Accused shall furnish P.B. & S.B. of 15,000/- (Rs. Fifteen Thousand only) each with one solvent surety each of the like amount as per Section 481 of The Bharatiya Nagarik Suraksha Sanhita [Section 437-A of Cr.P.C.].
- [Judgment is dictated and pronounced in open Court.]

Buldhana
Date: 1.4.2026

(Shaikh Akbar Shaikh Jafar)
Judge, Special Court,
Buldhana