

MHB U010005322024



Presented on : 29.04.2024.

Registered on : 29.04.2024.

Decided on : 17.03.2026.

Duration : 01 Y 10 M 18 D.

FORM NO. XXXII.PART 'A'EXHIBIT NO. 57.IN THE COURT OF SPECIAL JUDGE, BULDHANA.

Presided Over by : A.G. Santani, Special Judge.

Date of Judgment : 17.03.2026.SPECIAL CASE NO. 35/2024.

Crime No. 69/2024, registered with P.S., Buldhana (Rural), Tq. and District Buldhana, for the Offences punishable U/s. 376, 452, 504 and 506 of the Indian Penal Code, 1860, and Sections 4 and 12 of Protection of Children from Sexual Offences Act, 2012.

Prosecution : The State of Maharashtra,
through Police Station, Buldhana (Rural).

Represented By : Mrs. Sonali Saoji - Deshpande, APP

Accused 1. Kunalkumar Rampriti Pandit,
Aged : 29 Years, Occupation : Mason,
Residing at Alipurhatta, Distt. Mahanar Baisali,
(Bihar State).

Represented By : Mr. Dhirajkumar P. Gothi, Advocate.

PART 'B'

Date of Offence. : 01.03.2024.

Date of FIR. : 02.03.2024.

Date of Charge-sheet. : 29.04.2024.

Date of Framing of Charges. : 02.08.2025.

Date of Commencement of Evidence. : 22.01.2026.

Date on which Judgment is Reserved. : ----

Date of the Judgment. : 17.03.2026.

Date of the Sentencing Order, if any. : Not Applicable.

ACCUSED DETAILS

Rank of the accused : 1.
 Name of the accused : Kunalkumar Rampriti Pandit.
 Date of arrest : 02.03.2024.
 Date of release on bail : 08.05.2024.
 Offences Charged with : Sections 376, 452, 504 and 506 of the Indian Penal Code, 1860, and Sections 4 and 12 of Protection of Children from Sexual Offences Act, 2012.
 Whether acquitted or convicted : Acquitted on 17.03.2026.
 Sentences imposed : Not Applicable.
 Period of detention undergone during Trial for purpose of Section 468 of the Bharatiya Nyaya Sanhita, 2023. : Not Applicable.

PART 'C'LIST OF PROSECUTION/DEFENCE/COURT WITNESSESA. Prosecution Witnesses :

Rank.	Name.	Nature of Evidence
PW1.	Victim (Name is masked).	: The informant.
PW2.	Bablukumar Rambrij Pandit.	: Witness to the incident.
PW3.	Mohammadlal Babu Safik.	: Witness to the incident
PW4.	Gajanan Sadashiv Kakade.	: PHC registering FIR.

B. Defence Witnesses : NIL.C. Court Witnesses : NIL.LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.A. Prosecution Exhibits :

Sr. No.	Exhibit Number	Description
01.	Exhibit P-26,27,28	Chemical Analyzer's Reports.
02.	Exhibit P- 37	: Police Report.
03.	Exhibit P- 38	: Printed FIR.
04.	Exhibit P- 39	: Statement of victim U/s.164 of Cr.PC

Sr. No.	Exhibit Number	: Description
05.	Exhibit P- 44	: Crime Details Form.
06.	Exhibit P- 45, 46	: Seizure Panchanamas.
07.	Exhibit P- 47, 48	: Medical Examination Reports.

<u>B. Defence Exhibits</u>	: NIL.
<u>C. Court Exhibits</u>	: NIL.
<u>D. Material Objects</u>	: NIL.

J U D G M E N T.DATED : 17.03.2026.

01. The accused is facing this trial for the offences U/s. 376, 452, 504 and 506 of the Indian Penal Code, 1860 (the IPC) and U/s. 4, 12 of Protection of Children from Sexual Offences Act, 2012 (the POCSO Act).

02. Briefly stated, the prosecution case is that on 01.03.2024, at 6.00 p.m., at field of one Dr. Sancheti, in the victim's house (her name is masked), at Varwand, the accused committed rape on her, by committing a house trespass and entering into her house having made preparation to commit the offence. Moreover, he intentionally insulted her and thereby, gave a provocation to her, intending or knowing it to be likely that such a provocation would cause her to break the public peace and also criminally intimidated her with dire results. Simultaneously, by doing the said acts, he committed penetrative sexual assault on her and further subjected her to sexual harassment. The prosecution case is originated from her report, lodged with P.S., Buldhana Rural on 02.03.2023. Thus, the investigation followed. The victim was forwarded for her medical examination, the spot panchanama was drawn, statements of the witnesses to the incident were secured, her statement U/s. 164 of the Criminal Procedure Code of 1973, (the Cr.P.C.) was secured, the accused was arrested and forwarded for his medical examination. On completion of the investigation, the said police station filed this charge-sheet against him, U/s. 173 of the Cr.P.C.. Having considered the record, I framed charge against him, below Exhibit 21, to which he pleaded not guilty and claimed for trial by recording his plea as per Exhibit 22. His statement, in view of Section 313 of the Cr.P.C., was

recorded at Exhibit 56. His defence is of total denial and false implication in this Crime. Heard both the sides.

03. The points for determination, along-with my findings and the reasons therefor, are as under:

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
(1).	Whether the prosecution proved that on 01.03.2024, at about 06.00 p.m., in the house of victim, at Varwand, the accused committed rape upon her?.....	...No.
(2).	Whether the prosecution proved that at the same time, he committed house trespass by entering into her house, having made all the preparation to commit rape upon her?.....	...No.
(3).	Whether the prosecution proved that at the same time, he intentionally insulted her and gave a provocation to her intending or knowing it to be likely that such provocation would cause her to break the public peace or to commit any other offence?.....	No.
(4).	Whether the prosecution proved that at the same time, he criminally intimidated her by threatening her with dire results?.....	No.
(5).	Whether the prosecution proved that at the same time, he committed a penetrative sexual assault to the minor victim?.....	No.
(6).	Whether the prosecution proved that at the same time, he subjected her to sexual harassment?.....	... No.
(7).	What Order?.....	The accused is acquitted.

04. In support of it's case, the prosecution got examined in all 04 witnesses. The victim has been examined as PW1, at Exhibit 36, whereas, witnesses to the incident Bablukumar Rambrij Pandit and Mohammadlal Babu Safik have been respectively examined as PW2 and PW3 at Exhibit 40 and 43. Lastly, PHC Gajanan Sadashiv Kakade, who registered the FIR in this Crime by reducing oral report of the victim, has been examined as

PW4, below Exhibit 53. Out of them, barring Gajanan (PW4), none of the witnesses supported the prosecution. Additionally, the prosecution relied on the documents, as referred to in Part-C of the above referred Schedule. Contrarily, the accused did not enter into the dock in his defence.

-: REASONS FOR THE FINDING :-

AS TO POINT NOS. 1 TO 6 :

05. As these points are interconnected, to maintain the brevity, I am taking the same for a joint discussion. The prosecution cited the victim as its star witness. However, she denied even to identify this accused and very occurrence of the alleged incident. As such, she disowned that on the eventful day, he sexually assaulted her and committed rape on her. More so, although, she admitted her signatures on the report (Exhibit 37) and the printed FIR (Exhibit 38), she denied to know about its contents. In her cross-examination by the accused, she conceded that she was not having knowledge of Marathi and Hindi languages, while lodging of the report, and her mother tongue is Bhojpuri. She is followed even by Bablukumar (PW 2). Although, he identified this accused, he denied happening of any such incident and the fact that he committed penetrative sexual assault on the victim. Likewise, Mohammadlal (PW3), though identified the accused, testified that at the relevant time, there was some dispute in between this victim and the accused on the count of money. However, barring this, no such incident took place. In such a scenario, Ld. APP was permitted to put the questions in the form of cross-examination to the witnesses. However, nothing, supporting to the prosecution case, could be secured from them. Lastly, the version of Gajanan (PW4) is restricted to reduction of the oral report into writing and registration of this Crime. In cross-examination, he admitted that he was not acquainted with Bhojpuri language.

06. The accused is facing this trial for the offences U/s. 376, 452, 504 and 506 of the IPC and Sections 4 and 12 of the POCSO Act. To bring home his guilt, it was incumbent on the prosecution to prove that on the

day of incident, he committed rape on the victim, by committing a house trespass by entering into her house, having made preparation to commit the said offence. The job of prosecution is not over at this stage and it has to establish further that simultaneously, he intentionally insulted her and thereby, gave provocation to her, intending or knowing it to be likely that such a provocation would cause her to break public peace and criminally intimidated her with dire results. Thus, he committed a penetrative sexual assault on her and subjected her to a sexual harassment. However, in the light of these required ingredients, when this evidence is scanned, I have no hitch to express my opinion that at no point of time, the prosecution could prove his guilt beyond all the shadow of doubt. The victim, who set the Criminal Law into motion, denied to identify this accused. Much less, she could aver about the occurrence of any such incident. That apart, she denied contents of the report (Exhibit 37). Likewise, Bablukumar (PW 2) and Mohammadlal (PW 3), who are presented as the eye witnesses to the incident, denied happening of such incident before them. More so, during their cross-examinations by the prosecution, nothing supporting to its case could be obtained from them. Obviously, the testimony of Gajanan (PW4) is revolving around the registration of this Crime and he is not the witness of facts. On this backdrop, I am of the opinion that the prosecution failed to prove guilt of the accused beyond the reasonable doubt and therefore, he deserves an acquittal. During investigation, the police allegedly seized clothes of the victim and the accused, as per O.P. No. 52/2025. The seized clothes, being worthless, be destroyed after appeal period is over. Hence, I answered point Nos.1 to 6 in the negative and in answer to point No. 7, I pass the following Order:

- : O R D E R : -

- (1). The accused - Kunalkumar Rampriti Pandit is acquitted of the offences punishable under Sections 376, 452, 504 and 506 of the Indian Penal Code, 1860, and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012, vide Section 235 of the Criminal Procedure Code, 1973.

- (2). His bail bonds stand cancelled.
- (3). He is directed to execute the personal bond of Rs. 25,000/-, with one surety in the like amount, for his appearance before the Court, in view of the compliance vide Section 437-A of the Criminal Procedure Code, 1973.
- (4). The seized clothes, being worthless, be destroyed after the appeal period is over.

Buldhana.
Dated : 17.03.2026.

{A.G. Santani}
Special Judge, Buldhana.
District : Buldhana.

Certificate

I affirm that the contents of this Judgment/order are same word for word as per original.	
Name of Court	Special Judge, Buldhana.
Name of Steno	Sanjay Chaudhari (Steno Grade I)
Pronounced on	17/03/2026
Transcribed on	23/03/2026
Checked & Signed on	25/03/2026
Upload Date	27/03/2026