



Presented on : 12.12.2022.

Registered on : 12.12.2022.

Decided on : 17.03.2026.

Duration : 03 Y 03 M 05 D.

FORM NO. XXXII. PART 'A'EXHIBIT NO. 53.IN THE COURT OF SPECIAL JUDGE, BULDHANA.

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

Date of Judgment : 17.03.2026.SPECIAL CASE NO. 54/2022.

Crime No. 683/2022, registered with P.S., Buldhana (City), Tq. and District Buldhana, for the Offences punishable U/s. 354 and 354-A of the Indian Penal Code, 1860, and U/s. 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

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

Represented By : Mrs. Sonali Saoji - Deshpande, APP

Accused 1. Sayyad Sarfaraj Sayyad Khalil,
Aged : 28 Years, Occupation : Medical Store,
Residing at Johar Nagar, Buldhana,
Tq. and District Buldhana.

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

PART 'B'

Date of Offence. : 24.08.2022.

Date of FIR. : 24.08.2022.

Date of Charge-sheet. : 12.12.2022.

Date of Framing of Charges. : 10.07.2025.

Date of Commencement of Evidence. : 13.11.2025.

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 : Sayyad Sarfaraj Sayyad Khalil.
 Date of arrest : 25.08.2022.
 Date of release on bail : 01.09.2022.
 Offences Charged with : Sections 354 and 354-A of the Indian Penal Code, 1860, and U/s. 8 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.	Vishal Laxman Jadhao.	: Witness of the incident.
PW3.	Arun Arjun Dukre	: Witness of the incident
PW4.	LPC Sharda Dinkar Jadhao.	: LPC- registering the FIR.
PW5.	Samrat Bhimrao Bramhane	: Investigating Officer.

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- 21	: Oral Report.
02.	Exhibit P- 22	: FIR.
03.	Exhibit P- 39	: Letter issued for securing panchas.

Sr. No.	Exhibit Number	: Description
04.	Exhibit P- 40	: Intimation letter to panchas.
05.	Exhibit P- 41	: Spot Panchanama.
06.	Exhibit P- 45	: Letter issued for securing CDR/ SDR.
07.	Exhibit P- 46	: Letter issued to TILR Office.
08.	Exhibit P- 47	: Letter received from TILR Office, with sketch map.
09.	Exhibit P- 48	: Birth Certificate of Victim.
10.	Exhibit P-49	: Arrest panchanama.
11.	Exhibit P-50	: Letter issued for recording of the statement of Victim, U/s. 164 of the Cr.PC.

B. Defence Exhibits : NIL.
C. Court Exhibits : NIL.
D. Material Objects : 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. 354 and 354A of the Indian Penal Code, 1860 (the IPC) and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (the POCSO Act).

02. Briefly stated, the prosecution case is that on 24.08.2022, at 02.30 p.m., in front of Sayyad Medical, at Buldhana, this accused used a criminal force to the minor victim (her name is masked), with intention to outrage her modesty and accordingly, by pressing her chest, he outraged her modesty. At the same time, with sexual intent, he physically contacted her by holding her hand and by pressing her chest and committed sexual harassment to her. The prosecution case is originated from report of the victim, lodged with P.S., Buldhana (City) on the very day. Thereupon, the investigation followed. The spot panchanama was drawn, the statements of witnesses were recorded, the CDR details of the accused were secured, sketch map of the spot was obtained from the Office of Land Records, the accused was arrested and later on, was released on bail. On completion of the investigation, the said police station filed this charge-sheet as against

him, vide Section 173 of the Criminal Procedure Code, 1973 (the Cr.P.C.). Considering the record and submissions of both the sides, I framed charge against the accused, below Exhibit 18, to which he pleaded not guilty and claimed for trial by recording his plea below Exhibit 19. His statement, in view of Section 313 of the Cr.P.C., was recorded at Exhibit 52. Therein, he denied the entire prosecution case. His defence is that of a total denial and false implication in this Crime. Heard.

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 24.08.2022, at about 02.30 p.m., in front of Sayyad Medical, Buldhana, the accused used criminal force to the minor victim, with intent. to outrage her modesty?.....	...No.
(2).	Whether the prosecution proved that at the same time, he contacted the victim by holding her hand and pressing her chest with intent to outrage her modesty?.....	...No.
(3).	Whether the prosecution proved that at the same time, he, with the sexual intention, physically contacted the victim by holding her hand and pressing her chest?.....	... No.
(4).	Whether the prosecution proved that at the same time, he committed her sexual harassment by forcibly holding her hand and pressing her chest?.....	... No.
(5).	What Order?.....	The accused is acquitted.

04. In support of it's case, the prosecution got examined in all 5 witnesses. The victim has been examined as PW1, below Exhibit 20, the witnesses to the incident - Vishal Laxman Jadhao and Arun Arjun Dukre have been respectively examined as PW2 and PW3 below Exhibit 26 and 27, LPC Sharda Dinkar Jadhao, who reduced the oral report of the victim,

has been examined as PW4, at Exhibit 29 and lastly, PSI Samrat Bhimrao Bramhane, who investigated this Crime, has been examined as PW5 vide Exhibit 38. Out of them, the victim, Vishal (PW2) as well as Arun (PW3) did not support the prosecution case. 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 4 :

05. As these points are interconnected, to maintain the brevity, I am taking the same for a joint discussion. Since inception, the prosecution came with a case that, on 24.08.2022, this accused used criminal force to the victim and outraged her modesty by holding her hand and by pressing her chest. More so, with sexual intention, he physically contacted her and committed a sexual harassment to her. To prove his guilt, the prosecution examined in all 5 witnesses. First comes to the victim, she did not identify the accused and denied happening of such incident. Though, she admitted her signature on report (Exhibit 21), she disowned its contents. Likewise, Vishal (PW2), though identified this accused, outright denied occurrence of the alleged incident. Being so, he denied that at the relevant time, the accused found outraging modesty of this victim by removing his clothes. He is also followed even by Arun (PW3), who denied even to identify this accused. Much less, he could whisper anything about this incident. Hence, in such scenario, Ld. APP was allowed to put the questions in the form of cross-examination to these witnesses. However, still, nothing, supporting to the prosecution case, could be obtained from them. On the other hand, the testimony of Sharda (PW4) is restricted to reduction of oral report of the victim and registration of Crime against the accused. During her cross-examination, she admitted that she didn't witness the incident personally. Lastly, the version of Samrat (PW5) is revolving around the investigation. During his cross-examination, he fairly conceded that the Ossification Test of victim was not conducted to ascertain her age. More so, he is not aware

about the documents forming the base of issuance of her Birth Certificate (Exhibit 48). Certainly, like Sharda (PW4), he is not the witness of facts.

06. The accused is facing this trial for the offences U/s. 354, 354-A of the IPC and U/s. 8, 12 of the POCSO Act. To bring home his guilt, it was incumbent upon the prosecution to prove that on the eventful day, he used criminal force to the victim and by holding her hand and by pressing her chest, outraged her modesty. The job of prosecution is not over at this stage and it has to substantiate further that at the same time, he did such things, with sexual intent, and also committed a sexual harassment to her. However, in the light of required ingredients, when the available evidence is scanned, I have no hesitation to express my opinion that at no point of time, the prosecution could prove his guilt beyond the shadow of doubt. At the outset, the victim, **who** set the Criminal Law in motion, and the eye witnesses to the incident- Vishal (PW2) and Arun (PW3), did not support the prosecution case. In one voice, they denied any such incident in their presence. Hence, their non co-operation **proved fatal** for the prosecution. True it is that Sharda (PW4) averred about the registration of the Crime and Samrat (PW5) testified about the investigation portion of this Crime. However, needless to mention that they are not the witnesses to facts and hence, it would be unsafe to rely upon their testimonies and to convict the accused. On this backdrop, I am of the opinion that the prosecution failed to establish guilt of the accused beyond reasonable doubt and therefore, he is entitled for an acquittal. In the sequel, I answered point Nos. 1 to 4 in the negative and to answer point No. 5, I pass the following Order:

-: O R D E R :-

- (1). The accused - Sayyad Sarfaraj Sayyad Khalil is acquitted of the offences punishable U/s. 354 and 354-A of the Indian Penal Code, 1860, and U/s. 8 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.

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 and Dictated on	17/03/2026
Transcribed on	23/03/2026
Checked & Signed on	25/03/2026
Upload Date	27/03/2026