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Decided on : 16/03/2026.  
Duration : 06 Y. 05 M. 26 D.

**IN THE COURT OF THE SESSIONS, DHULE, AT DHULE**  
(Presided over by Yasmin G. Deshmukh, Special Judge, Dhule )  
(CNR-MH-DH01-002927-2019)

**Special Case No.104/2019.**

**Exh.No.**

(Crime No.183/2019 of Shirpur City Police station)	
Complainant	: The State of Maharashtra.
Represented by	: Shri. G. Y. Patil Special PP
Accused	: Chetan Ravsaheb @ Chetan Vasant Dhamne (Bari), Age:- 28 yrs, Occu.:- engineer, R/o. Plot No.12-A, Vasant Vihar Madhura Kishan nagar, Shirpur, Dist. Dhule.
Represented by	: Advocate Shri. B. B. Waghmare.

Date of offence	: 15-07-2019.
Date of F.I.R.	: 16-07-2019.
Date of Charge-sheet	: 12-09-2019.
Date of framing charge	: 18-06-2021.
Date of commencement of evidence	: 12-09-2024.
Date on which judgment is reserved	: 16-03-2026.
Date of Judgment	: 16-03-2026.
Date of sentencing order if any	: ----

**Accused Details :**

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during the trial for the purpose of section 428 of Cr.PC.
1)	Chetan Ravsaheb @ Chetan Vasant Dhamne (Bari)	08-08-2019	14-08-2019	Sec.354-A IPC, & Sec. 8 of POCSO Act, 2012 and Sec.3(1)(w)(i)(ii), 3(2)(v)(va) of S. C. S.T. (Prevention of Atrocities) Act, 1989.	Acquitted	---	---

**LIST OF PROSECUTION/DEFENCE/COURT WITNESS****A – Prosecution.**

Rank	Name	Nature of Evidence
PW.1	Bhikulal Ishwar Sonawane	Panch witness.
PW.2	Ravindra Bhaskar Sonar	Eyewitness.
PW.3	Kishor Vijay Patole	Eyewitness.
PW.4	Victim's father	Victim's father.
PW.5	Gitanjali Vasantrao Sanap	Recorded F.I.R.
PW.6	Ravindra Dayaram Sonawane	Investigating officer.

**B – Defence Witness if any – Nil.****C – Court Witness if any – Nil.****LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A – Prosecution.**

Sr. No.	Exh. No.	Description
1)	P-15/PW1	Spot panchanama.

2)	P-31/PW5	F.I.R.
3)	P-38/PW6	Order of investigation.
4)	P-39/PW6	Letter to Sub District Hospital, Shirpur.
5)	P-40/PW6	Letter to S.D.O. Rajpur, Dist. Badwani, M.P.
6)	P-41/PW6	Letter to Court.
7)	P-42/PW6	Portion marked "A" of PW2's statement
8)	P-43/PW6	Portion marked "B" of PW2's statement.
9)	P-44/PW6	Portion marked "A" of PW3's statement
10)	P-45/PW6	Portion marked "B" of PW3's statement.
11)	P-47/PW7	Letter to Sub District Hospital, Shirpur.

**B - Defence** – Nil.

**C – Court Exhibits**

<u>Sr. No.</u>	<u>Court Exhibits</u>	<u>Description</u>
1)	08	Charge.
2)	48	Evidence close pursis.
2)	49	Statement of accused u/sec.313 of Cr.PC.

**D – Material Objects** : Nil.

## **J U D G M E N T**

( Delivered on: 16-03-2026 )

*In view of Sec. 33(7) of the POCSO Act, 2012 names of the victim and her family members are not mentioned in the judgment to maintain confidentiality about victim's identity.*

2] The accused is facing trial for the offence punishable under Section Sec. 354-A of the Indian Penal Code (in short IPC) & Sec. 8 of The Protection of Children From Sexual Offences Act, 2012

(in short POCSO) and Sec.3(1)(w)(i)(ii), 3(2)(v)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act,1989.

3] Facts of the case as born out from the record are that victim is minor belonging to Adiwasi Pawara community and the accused is from Hindu Bari community taking education in 10<sup>th</sup> standard. On 15/07/2019 at about 11:00 a.m. when the victim was alone in her house, the accused entered in her house caught hold of her hand and made her to lie on the cot. He asked the victim to remove her clothes and on her refusal to remove the clothes, he tried to forcibly remove her clothes during which process her pant torn. Thereafter he slept on her person. In the meanwhile brother of victim arrived there. Seeing him the accused ran away from the spot. Thereafter the brother of victim informed her father, who returned in the evening. Thereafter the victim went to the police station and lodged F.I.R. vide C.R.No.183/2019, whereby offence came to be registered at Shirpur City police station for the offence punishable under Sections 354-A of the Indian Penal Code (in short IPC) & Sec. 8 of The Protection of Children From Sexual Offences Act, 2012 (In short POCSO) and Sec.3(1)(w)(i)(ii), 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act,1989.

4] Investigation of the said offence is carried out by PW6 S.D.P.O. Shri. Ravindra Sonawane. He verified the complaint, visited the spot, prepared spot panchnama, recorded the statement of witnesses and gave letter for recording 164 statement of victim. After completion of the investigation, he filed charge-sheet against accused.

5] Charge was framed against the accused vide Exh.08, contents of the same were read over and explained to accused in vernacular language, to which he pleaded not guilty and claimed to be tried.

6] In support of the prosecution case, prosecution has examined five witnesses and closed its evidence. Defence has not examined any witnesses.

7] Statement of the accused under Section 313 of Cr.P.C. is recorded at Exh.49. The defence of accused is of total denial.

8] The following points arise for my determination to which I have given my findings for the reasons to follow.

<b><u>POINTS</u></b>	<b><u>FINDINGS</u></b>
1) Does prosecution prove that, the victim was under 18 years of age on the day of incident to term her as child ?	Yes.
2) Does prosecution prove that, on 15/07/2019 at about 11:00 a.m. at village Mandal, Tal. Shirpur, Dist. Dhule in front of plot No.26A, Mahavir Sector No.4, in the tin shade of the house of informant, accused committed sexual assault on the minor victim ?	No.
3) Does prosecution further prove that, on the aforesaid mentioned date, time and place, accused committed accused committed physical contact involving unwelcome and explicit sexual overtures upon the minor informant ?	No.

**POINTS****FINDINGS**

- |   |                     |
|---|---------------------|
| 4) Does prosecution further prove that, on the aforesaid mentioned date, time and place, accused not being the member of Scheduled Caste or Scheduled Tribe, intentionally touched the victim with sexual intent, a member of Scheduled Caste, without her consent ?  | No.                 |
| 5) Does prosecution further prove that, on the aforesaid mentioned date, time and place, accused not being the member of Scheduled Caste or Scheduled Tribe, committed offence of sexual harassment on the victim under the Indian Penal Code, punishable with imprisonment on the ground that victim is member of Scheduled Caste or Scheduled Tribe ? | No.                 |
| 6) What order ?   | As per final order. |

**REASONS****Point No. 1 :**

9] In order to attract the provisions of the POCSO Act, the prosecution must establish that, on the date of commission of the alleged offence, the victim was a “child” within the meaning of the Act. Section 2(d) of the POCSO Act defines a “child” as any person below the age of eighteen years. Therefore, for constituting any offence under the POCSO Act, it is an essential requirement that the prosecution proves that the victim had not completed eighteen years of age on the relevant date of the incident

10] To establish the date of birth of the victim, the prosecution has relied upon the age certificate of the victim issued by Civil

Hospital, Dhule. However, no witness is examined to prove the contents of this certificate. The author of the certificate or the medical officer who assessed the age has not been examined. In absence of such evidence, the said document cannot be read in evidence. Consequently, the prosecution has failed to prove the age of the victim beyond reasonable doubt. Accordingly, Point No.1 is answered in the affirmative.

**Points Nos. 02 to 03 :**

11] Since all these points are inter related I will discuss them together, in order to avoid repetition of same facts.

12] The case of the prosecution is that accused on 15/07/2019 at about 11:00 a.m. The case of the prosecution is that on 15/07/2019 at about 11:00 a.m., when the victim was alone in her house, the accused allegedly entered the house, caught hold of her hand and forced her to lie on a cot. It is further alleged that the accused asked the victim to remove her clothes and when she refused to do so, he attempted to forcibly remove her clothes, during which process her pant got torn.

13] To prove these allegations the prosecution relies on the evidence of PW4 father of victim. He deposed that victim is his daughter. Her birth date is 01/03/2004. In the year 2019 he was doing labour work at Shirpur. Incident took place on 15/07/2019. He had gone to work. His son told him on phone that, “आरोपी पिडीतेला खाटेवर दाबत आहे”. Thereafter he went home from work. Thereafter he

along with his daughter went to police station and his daughter lodged F.I.R. against the accused. His daughter told him that, accused touched her.

14] In his cross examination he has admitted that he had not witnessed the incident. He also admitted that he used to work with accused and accused used to pay labour charges, sometimes weekly or monthly. He denied that false case is lodged on the count of labour payment.

15] PW1 is the panch witness who has proved the spot of incident. PW2 and 3 are eyewitnesses who were present on the spot of incident and had heard the shouts/alarm raised by victim. Both these witnesses have turned hostile and did not support prosecution case. The brother of victim who has rescued her and is a eye witness is not examined by prosecution. The Prosecution has also failed to examine the victim. Vide Exh. 24 an application was filed by the prosecution that victim is not traceable. Witness summons was issued to victim on 06/10/2024, 23/10/2024, 16/11/2024. Her relatives were also sent summons on 27/12/2024, 22/01/2025, 17/02/2025, 10/03/2025, 28/03/2025 and 10/06/2025. It was reported that victim and her family is not residing on given address. Thus presence of the victim could not be secured. The prosecution has examined PW5 API Geetanjali Sanap who has reduced into writing the complaint narrated by the victim. In addition to this there is evidence of PW6 investigating officer who has mainly deposed the manner in which he carried out investigation.

16] In view of the aforesaid evidence, it is evident that the prosecution has failed to establish the allegations against the accused beyond reasonable doubt. The victim, who is the star witness of the prosecution, has not been examined as her presence could not be secured despite issuance of repeated summons. The brother of the victim, who is stated to be an eyewitness and who allegedly rescued her, has also not been examined. The evidence of PW4, father of the victim, is purely hearsay as he has admittedly not witnessed the incident. Further, the alleged eyewitnesses PW2 and PW3 have turned hostile and have not supported the prosecution case. In such circumstances, except the formal evidence of the panch witness and the police witnesses regarding the investigation, there is no substantive evidence on record to prove the alleged incident. Consequently, the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. Hence I answer Points No. 2 and 3 in negative.

**Points No. 04 and 05 :**

17] Charge under Section 3(1)(w)(ii) and Section 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is also framed against accused.

18] To prove the charge under these Sections it was incumbent upon the prosecution to prove that the accused intentionally insulted or intimidated the victim with intent to humiliate her on the ground that she belongs to a Scheduled Tribe, and that such incident occurred in a place within public view. In the present case, caste-based abuse or humiliation by the accused is not proved. There is no evidence to

show that any words referring to caste were uttered, or that any act was committed with the intention to humiliate the victim on account of her caste. Hence, the essential ingredients of the offences under the Atrocities Act are also not proved. Hence points under consideration are answered in negative.

**Point No.06 :**

19] In view of my finding and reasoning I proceed to pass the following order.

**ORDER**

- 1) The accused Chetan Raosaheb @ Chetan Vasant Dhamne (Bari), is acquitted vide Section 235(1) of the Code of Criminal Procedure of the offences punishable under Section 354-A of the Indian Penal Code, Section 8 of The Protection of Children From Sexual Offences Act, 2012 and Section 3(1)(w)(i)(ii), 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- 2) His bail bond and surety bond stands cancelled.
- 3) He shall furnish P.R. bond of Rs.25,000/- and one surety of like amount for his appearance before the Appellate Court in case of filing of appeal.
- 4) Seized muddemal clothes, being worthless, be destroyed after expiry of appeal period.

(Dictated and pronounced in open Court in presence of accused)

Place: Dhule.  
Date :16/03/2026.

(Yasmin G. Deshmukh)  
Special Judge [POCSO],  
Addl. Sessions Judge, Dhule.

Judgment.

Special Case No.104/2019.

**Certificate**

I certify that the contents of this PDF file are word to word as per Original Judgment/order.

Name of the Steno : T.R.Pankhedkar.  
Name of the Court : Court of District Judge-3 & Addl. Sessions Judge, Dhule.  
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Sd/-...  
Stenographer(Gr-I).