


MHGA010000182021 	Received on	07/01/2021
	Registered on	07/01/2021
	Decided on	07/04/2026
	Duration	05 Y 03 M 00 D
	<u>Exhibit No. 50.</u>	

Spl. (POCSO) Case No. 01/2021

Form No. XXXII

Part 'A'

(Title Page of Judgment)

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

	<p>IN THE COURT OF AD-HOC DISTRICT JUDGE-1 & ADDITIONAL SESSIONS JUDGE, GADCHIROLI <i>Presided by : Vishwas S. Khot</i> Additional Sessions Judge</p>
	<p>Crime No. 201/2020, U/s. 363, 376(2)(j) of the I.P.C. & U/s. 4 & 12 of the POCSO Act Police Station : Ashti, Tah. Chamorshi, Dist. Gadchiroli</p>
COMPLAINANT	<p>STATE OF MAHARASHTRA Through P. S.O. of Police Station Ashti, Tah. Chamorshi, Dist. Gadchiroli.</p>
REPRESENTED BY	<p>Learned P.P. Shri A.S. Pradhan</p>
ACCUSED	<p>Tupin Ramdas Kosankar Age - 21 Yrs., Occu. Labour, R/o. Adpalli (Chek), Tah. Mulchera, Dist. Gadchiroli</p>
REPRESENTED BY	<p>Learned Counsel Shri S.S. Barsinge for accused.</p>

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

Date of Offence	07.11.2020
Date of FIR	07.11.2020
Date of Chargesheet	07.01.2021
Date of Framing of Charges	03.05.2025
Date of commencement of evidence	11.12.2025
Date on which judgment is reserved
Date of the Judgment	07.04.2026
Date of the Sentencing Order, if any	N.A.

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, Cr.PC.
1	Tupin Ramdas Kosankar	09-11-2020	17-12-2020	Sec. 363, 376(2) (j) of the I.P.C. & U/s. 4 & 12 of the POCSO Act	acquitted	N.A.	N.A.

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 WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Victim girl	victim
PW2	Dr. Shashikant Krushnadas Badela	Medical Officer
PW3	Vaishali Nivrutti Kamble	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	---Nil---	

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	---Nil---	

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	Exhibit P-37/PW2	Letter for medical examination of victim
2	Exhibit P-38/PW2	Medical Certificate
3	Exhibit P-39/PW2	Discharge Card
4	Exhibit P-42/PW3	Spot panchanama
5	Exhibit P-43/PW3	Arrest panchanama

6	Exhibit P-44/PW3	Letter to Medical Officer for medical examination of accused
7	Exhibit P-45/PW3	Seizure Panchanama of biological samples of accused
8	Exhibit P-46/PW3	Seizure Panchanama of biological samples of victim
9	Exhibit P-47/PW3	Birth certificate of victim

B. Defence :

Sr. No.	Exhibit Number	Description
...	...Nil...	...

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
...	...Nil...	...

D. Material Objects :

Sr. No.	Material Object Number	Description
1	Article A	Form 'B'
2	Article B	Form II

JUDGMENT

(Delivered on this 7th day of April, 2026)

1] The accused stands prosecuted by Police Station Officer, Ashti for the offence punishable under Sections 363, 376(2), 376(2)(j), 376(3) of the IPC alongwith Section 4 and 12 of the POCSO Act.

2] The prosecution case can be stated as under :-

The informant is a resident of mouza Ashti and he

resides there with his family. He reported the incident on 07.11.2020. He went to mouza Adpalli at about 1.45 p.m. At that time he received phone call from his wife. His wife stated that their daughter went with accused on motorcycle. The victim was searched in the village, but could not be traced. His wife narrated that the victim was present in the shop. When the wife of informant went in the shop, the victim was not present there. Some ladies told to the wife of the victim that the accused took the victim on motorcycle. The accused and the victim went to Adpalli road. The accused enticed the victim.

3] On receiving the report, the police started the investigation and registered the offence and arrayed said Tupin Kosankar as an accused. The police drew spot panchanama, seizure panchanama and arrested the accused. Police recorded the statement of witnesses and got the statement of victim recorded under Section 164 of the Cr.PC. The victim was sent for medical examination. The accused was also medically examined. After due investigation the police came to the conclusion that the accused enticed the victim even after knowing that she is a minor. The offence, therefore, came to be registered. The accused took her to mouza Saoli and established sexual relations. The police found it that the accused has committed offence punishable under Sections 363, 376(2), 376(2)(j), 376(3) of the IPC alongwith Section 4 and 12 of the POCSO Act. The police after due investigation submitted charge-sheet before the Court.

4] The accused came to be summoned and he appeared before the Court and Court framed the charge against the accused under Section 363, 376(2), 376(2)(j), 376(3) of the IPC alongwith Section 4 and 12 of the POCSO Act. The accused pleaded not guilty and claimed trial. The prosecution examined three witnesses to substantiate the charge against accused. The victim did not support the prosecution case. The accused came to be examined under Section 313 of the Cr.P.C. as incriminatory evidence came in the examination of P.W.2 and P.W.3. The accused adhered to the defence of the total denial. The accused did not examine any witness for his defence. The case came to be closed with the arguments of both the sides.

5] In view of rival submissions of the prosecution and accused, following points arise for my determination and I have recorded my findings subject to the reasons as mentioned hereinafter.

No.	<u>Points</u>	<u>Findings</u>
1.	Whether the prosecution proves that on 07.11.2020 at about 1.30 p.m. at Adpalli Check (Malezari), Tah. Mulchera, Dist. Gadchiroli, the accused kidnapped a minor victim girl from the lawful guardianship of her parent, and thereby committed an offence punishable under Section 363 of the Indian Penal Code ?	..No..
2.	Whether the prosecution proves that on night time at village Saoli, Tah. Saoli, Dist. Chandrapur, the accused	

	committed rape on the victim girl, who was incapable of giving consent, and thereby committed an offence punishable under Section 376(2)(j) of the Indian Penal Code ?	..No..
3.	Whether the prosecution proves that, the accused repeatedly committed rape on the victim girl, who was under the 16 years of age and thereby committed an offence punishable under Section 376(3) of the Indian Penal Code ?	..No..
4.	Whether the prosecution proves that, during the above mentioned period, the accused committed penetrative sexual assault and sexual harassment on the minor victim girl, and thereby committed an offence punishable under Section 4 & 12 of the POCSO Act, 2012 ?	..No..
5.	What order ?	... Accused is acquitted

REASONS

As to Point Nos. 1 to 5 :-

6] This case is filed by the prosecution, so naturally burden of proof lies upon the prosecution. As mentioned above, the prosecution has examined three witnesses. P.W.1 is prosecutrix and she did not support the prosecution case. During cross-examination the prosecution could not bring any evidence from her testimony. Her evidence is no use for the prosecution. P.W.2 is a medical person and he deposed that he examined the victim after obtaining the consent of victim and

her mother. The victim depicted the history of the incident. He found no external injury on examination. He found hymen rupture at 3 & 6 O'clock and injury was recent. P.W.2 opined that possibility of sexual assault cannot be ruled out and accordingly, he issued medical certificate. The blood samples were collected and handed over to WPC Rama. P.W.3 is Investigating Officer. She deposed that she was acting as WPSI at Police Station, Ashti. She prepared panchanama before panchas. She arrested the accused and recorded statement of witnesses. She issued letter to Medical Officer for medical examination of accused and victim. She sent the accused and victim for medical examination. The biological samples of the victim were given by doctor. She obtained birth certificate of the victim from Gram Panchayat. She got recording of statement of victim and witnesses under Section 164 of the Cr.PC.

7] Witnesses came to be cross-examined by other side. P.W.1 admitted that police in Chamorshi Court stated to victim as to what should be depicted before the Magistrate in the statement under Section 164 of Cr.PC. P.W.2 admitted that she has not mentioned date on the letter received for medical examination. Hymen can be ruptured by cycling, climbing on wall, jumping etc. P.W.3 during cross-examination remained stuck and defence could not brought anything contrary to his chief-examination.

8] The prosecution has leveled the section 363, 376(2)(i) and 376(3) of the Indian Penal Code and Section 4

& 12 of the POCSO Act. The prosecution case is based on the evidence of three witnesses. The witness no.1 is victim and she turned enemical to the prosecution case, therefore, prosecution case became lame. The Investigating Officer and doctor deposed against the accused and in favour of prosecution, but their testimony cannot prove the offence. The prosecution could not establish the ingredients of offence on the basis of evidence of P.W.1 and P.W.2. The accused is entitled to the acquittal. Having regard to the abovesaid reasons, my answer to point nos.1 to 4 are in negative and accordingly, I am inclined to pass following order resulting in acquittal of the accused.

ORDER

1. The accused by name **Tupin Ramdas Kosankar** is hereby acquitted, vide Section 235(1) of the Code of Criminal Procedure for the offences punishable under Sections 363, 376(2)(i) and 376(3) of the Indian Penal Code and Sections 4 & 6 of the POCSO Act, 2012.
2. The bail bonds of the accused stands cancelled.
3. The accused to furnish the bail of Rs. 50,000/- with one surety in like amount under Section 437-A of Cr.P.C./480 of the BNSS, within 7 days which shall remain in force for 6 months.
4. The property mentioned in charge-sheet be destroyed after appeal period is over and one vehicle i.e. Hero Honda CB company bearing no.MH/X-5660 be handed over to its registered owner after appeal period is over.

5. The proceedings stand closed.

Sd/-

(Vishwas S. Khot)

Ad-Hoc District Judge-1 and
Additional Sessions Judge,
Gadchiroli.

Gadchiroli
7th April, 2026