

State X Akash Soni



Presented on	: 14/10/2025
Registered on	: 14/10/2025
Decided on	: 12/03/2026
Duration	: Y. M. D. 00 04 28

C.N.R. NO. MHGA13-000413-2025.

EXH. NO. 30

<b>IN THE SPECIAL COURT (POCSO ACT) AT AHERI, DISTRICT GADCHIROLI</b>		
<b>Present :- D.M. Aher, Judge, Special Court.</b>		
	Date of Judgment :- 12/03/2026 <b>SPECIAL (POCSO) CASE NO. 43/2025</b>	
	F.I.R./Crime No. 4/2025 Pipli Burgi Police Station	
COMPLAINANT/ PROSECUTION		<b>State of Maharashtra,</b> through Police Station, Pipli Burgi.
REPRESENTED BY		S.P.P. Smt. M.R. Mahajan.
ACCUSED	<b>A1</b>	<b>Akash Upendrashaha Soni</b> Age – 21 years, Occu.- Labour, R/o. - address concealed.
REPRESENTED BY		Shri. S.V. Jainwar,

**Part 'B'**

Date of Offence	February 2024 to September 2024
Date of FIR	29/08/2025
Date of Charge-sheet	14/10/2025
Date of framing of Charges	04/03/2026
Date of Commencement of Evidence	11/03/2026
Date on which judgment is reserved	---
Date of the Judgment	12/03/2026
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.P.C.
1.	Akash Upendrashaha Soni	03/09/2025	22/09/2025	U/s. 4 & 12 of POCSO Act, S. 64(2)(m), 69,78(2) of BNS and S.3(1)(w)(i)(ii) and 3(2)(v) of SCST Act.	Acquitted	N.A.	N.A.

## **JUDGMENT**

(Delivered on 12<sup>th</sup> day of March, 2026)

1. The accused stands charged for offences punishable under Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012, Sections 64(2)(m), 69 and 78(2) of the Bharatiya Nyaya Sanhita and Section 3(1) (w)(i) & (ii) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.
2. The prosecution case, in brief is as follows. The victim girl belongs to Madia caste, which is recognized as Scheduled Tribe. In the year 2016, the victim girl (name concealed) was studying in one school in Aheri Taluka, District Gadchiroli. She was minor. During vacation, she used to go to the village of the accused. The victim girl and accused developed acquaintance. In the month of April 2019, the accused proposed the victim girl and assured her that he will marry with her. Since then, they used to meet and talk with each other. In February 2024, the accused took the victim girl beneath a bridge at Vangepalli and touched and kissed her. The accused gave promise of marriage to the victim and established physical relations with her. In March 2024, the accused took the victim girl in a forest

area at Hetalkasa and established physical relations with her. Thereafter, from June 2024 to September 2024, the accused committed sexual intercourse with the victim girl on 4 to 5 times. The victim became pregnant. Thereafter, the accused started avoiding the victim girl. He told her that he belongs to upper caste and she being of Adiwasi community, he cannot marry with her. On 01.06.2025, the victim girl delivered male child. Thereafter, the victim girl lodged the report against the accused at Pipli Burgi Police Station, Taluka Etapalli, District Gadchiroli.

3. Pursuant to the aforesaid report, Crime No. 4/2025 came to be registered. The investigating officer SDPO Mr. C.V. Kadam arrested the accused. He sent the victim girl and the accused for medical examination. He seized the motorcycle, mobile of the accused. He collected the caste certificate and birth certificate of the victim girl. He recorded the statements of witnesses. The blood sample of the victim, the accused and the male child were taken and sent for DNA analysis. After completion of investigation, he filed the charge-sheet against the accused in the Special Court under POCSO Act at Aheri, District Gadchiroli.
4. My learned predecessor took cognizance of the offence. I framed charge against the accused, vide Exh.14. Charge

was read over to the accused in vernacular language. The accused pleaded not guilty. The prosecution examined victim girl. She has not supported the prosecution. The learned defence advocate has admitted the spot and seizure panchanamas, medical examination report of victim, her caste certificate and birth certificate. In this backdrop, the learned SPP closed the evidence, vide pursis Exh.28. After completion of prosecution evidence, the accused was examined under Sec.351 of BNSS. The accused denied the incriminating evidence.

5. At the conclusion of trial, I have heard the learned SPP Smt. M.R. Mahajan and learned Adv. Shri. S.V. Jainwar for the accused.
6. The points arise for determination and my findings thereon are as follows.

Sr. No.	Points	Findings
1.	Does the prosecution prove that, from February 2024 to June 2025 at village Vangepalli, Tahsil Aheri and at village Hetalkasa, Tahsil Etapalli, accused committed penetrative sexual assault on the victim girl, aged about 16 years ?	No.

Sr. No.	Points	Findings
2.	Does the prosecution prove that, from February 2024 to June 2025 at village Vangepalli, Tahsil Aheri and at village Hetalkasa, Tahsil Etapalli, the accused touched and kissed the victim girl with sexual intent and committed her sexual harassment ?	No.
3.	Does the prosecution prove that, from February 2024 to June 2025 at village Vangepalli, Tahsil Aheri and at village Hetalkasa, Tahsil Etapalli, accused committed rape repeatedly on victim girl, aged about 16 years ?	No.
4.	Does the prosecution prove that, from February 2024 to June 2025 at village Vangepalli, Tahsil Aheri and at village Hetalkasa, Tahsil Etapalli, the accused by making promise of marriage to the victim girl with ill-intention of not fulfilling the same committed sexual intercourse with her ?	No.
5.	Does the prosecution prove that, in April 2019 at village Vangepalli, Tahsil Aheri and at village	

Sr. No.	Points	Findings
	Hetalkasa, Tahsil Etapalli, the accused followed the victim girl, aged about 16 years, and attempted to contact her to foster personal interaction with her, despite her refused ?	No.
6.	Does the prosecution prove that, from February 2024 to June 2025 at village Vangepalli, Tahsil Aheri and at village Hetalkasa, Tahsil Etapalli, the accused not being the member of a Scheduled Caste or the Scheduled Tribe committed penetrative sexual assault, rape, sexual harassment and stalking of the victim girl, knowing that she belongs to Scheduled Tribe ?	No.
7.	What order ?	Accused is acquitted

### REASONS

#### AS TO POINTS NO. 1 TO 7 :-

7. In order bring home the offence against the accused, the prosecution has examined victim girl PW-1 at Exh.17 and

got exhibited the report Exh.19, FIR Exh.20, Statement Exh.21 recorded under Sec. 183 of BNSS, spot panchanama Exh.22, medical examination report of the victim Exh.23, seizure panchanama Exh.24, caste certificate of the victim Exh.25, birth certificate of victim Exh.26 and arrest panchanama of the accused Exh.27.

**Age of the victim-**

8. As per the case of prosecution, in April 2019, victim PW-1 was aged about 14 years. The birth certificate Exh.26 of the victim is admitted by defence advocate. The said birth certificate shows the birth date of victim PW-1 as 01.04.2005. Thus, in April 2019 victim PW-1 was 14 years old and was child.

**Tribe of the victim-**

9. It is the case of the prosecution that, the victim belongs to Madia Tribe. The scheduled tribe certificate Exh.25 of victim PW-1 is admitted by defence advocate. As per the said certificate, victim PW-1 belongs to Madia Tribe, which is recognized as Scheduled Tribe. Thus, it is clear that victim PW-1 belongs to Scheduled Tribe.

**Alleged stalking and sexual harassment of victim PW-1-**

10. As per the report Exh.19, in April 2019, the accused used to constantly follow and propose victim PW-1. In July 2020, he again tried to meet victim PW-1. However, victim PW-1 in her evidence before the Court has not substantiated the said allegations of stalking or sexual harassment. She deposed that she has no grievance against the accused. She admitted her signature on the report Exh.19 and her statement Exh.21, but denied the contents thereof. In her further examination by learned SPP, she denied that in April 2019, the accused used to constantly follow her and used to propose her. Thus, nothing has come in the evidence of victim PW-1 to support the said charges. The prosecution has not examined any other witness. Thus, though the prosecution has proved that in April 2019, victim PW-1 was minor, but the prosecution has failed to prove that the accused stalked her and sexually harassed her. In view of this, the charges of stalking and sexual harassment under Section 12 of POCSO Act and Section 78(2) of BNS fails.

**Alleged penetrative sexual assault and repetitive rape on victim PW-1-**

11. It is the case of the prosecution that in February 2024, the accused took victim PW-1 beneath a bridge at Vangepalli and committed sexual intercourse with her on the promise of marriage. It is also the prosecution case that thereafter, from March 2024 to September 2024, in Hetalkasa forest area, the accused committed sexual intercourse with victim PW-1 on the promise of marriage. However, these allegations are also not supported by victim PW-1 in her substantive evidence. She deposed that she has nothing to say against the accused. In her cross-examination, she denied that from February 2024 to September 2024 the accused committed sexual intercourse with her on the promise of marriage. Thus, there is no evidence to substantiate the charge of penetrative sexual assault and repetitive rape.
12. It is significant to note that the birth date of victim PW-1 is 01.04.2005. As per report, the first incident of sexual intercourse with victim PW-1 occurred in February 2024 beneath a bridge at Vangepalli. The later incidents of sexual intercourse occurred from June 2024 to September 2024. Thus, in February 2024, victim PW-1 was more than

18 years old and was major. Considering this, the charge of penetrative sexual assault under Section 4 of POCSO Act seems to be wrongly invoked.

13. The record shows that victim PW-1 has begotten a child. The blood sample of victim PW-1, the accused and the child were collected for DNA analysis. The DNA test report is not filed on record. The birth date of the child is 01.06.2025. Thus, victim PW-1 must have conceived the child in womb in September 2024. The birth date of the victim is 01.04.2005. Thus at the time of conceiving the child, victim PW-1 was major. Victim PW-1 has not supported the prosecution and has indicated that the sexual intercourse was consensual. In the circumstances, the DNA test report of the child will not advance the prosecution case in any manner. Hence, there is no need to wait for DNA test report. The medical examination report Exh.23 of victim PW-1 shows that she was subjected to sexual intercourse one year back. It also shows that at the time of alleged sexual intercourse, she was major. The medical examination report does not show external or internal injuries on the body and private part of victim PW-1.

14. Victim PW-1 has not supported the prosecution. She stated that she already married with the accused and residing with him. At the time of incidents of sexual intercourse, victim PW-1 was major. As such, the sexual intercourse, if any, in between victim PW-1 and accused is to be termed as consensual. In view of this, the charges under Section 4 of POCSO Act and Sections 64(2)(m) and 69 of BNS do not succeed.

**Charges under SCST (Prevention of Atrocities) Act-**

15. The accused is charged for the offences under Section 3(1)(w)(i) & (ii) and 3(2)(v) of SCST Act. The prosecution has proved that victim PW-1 belongs to Scheduled Tribe. However, victim PW-1 has denied that the accused sexually harassed her or committed rape upon her without her consent. As such, charges under SC & ST Act also fails.
16. To conclude, I find that there is no iota of evidence against the accused. I hold that prosecution has failed to prove charges levelled against the accused. Hence, the accused is liable to be acquitted from all the charges. In view of this, Points No.1 to 6 are answered in the negative. In the result, in answer to Point No.7 following order is passed.

## ORDER

1. Accused Akash Upendrashaha Soni is hereby acquitted of the offences punishable under Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012, and Sections 64(2)(m), 69 and 78(2) of the Bharatiya Nyaya Sanhita and Section 3(1)(w)(i) & (ii) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act vide Section 258 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. The bail bonds of the accused are cancelled and he is set at liberty.
3. After appeal period is over, the interim custody of Hero Passion motorcycle No. MH-33/AB-6267 already given to the father of accused shall become absolute.
4. After appeal period is over, seized Vivo Y83 mobile IMEI No. 862800049491251, if not already returned, be returned to the father of accused, from whom it was seized after deleting the data therein.
5. The accused to furnish bail in the nature of PR bond of Rs.50,000/- (Rs. Fifty Thousand only) in compliance to Section 437A of Cr.PC.

6. The certified copy of judgment be provided free of cost to the victim. The certified copy of judgment be sent to the District Magistrate, Gadchiroli for information.

Aheri.

Dated – 12.03.2026.

**(D. M. Aher)**

Judge, Special Court (POCSO Act),  
Aheri, District – Gadchiroli.

- - - - -

**APPENDIX**  
**Part 'C'**

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

**A. Prosecution :-**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b>
PW-1	Victim (Exh. No.P-17)	Informant

**B. Defence Witnesses, if any :**

**NIL**

**C. Court Witnesses, if any :**

**NIL**

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**

**A. Prosecution :**

<b>Sr.No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1.	Exhibit P-19/PW-1	Signature on Report
2.	Exhibit P-20/PW-1	Signature on FIR
3.	Exhibit P-21/PW-1	Statement u/S.183 of BNSS
4.	Exhibit P-22	Spot panchanama (admitted by accused)
5.	Exhibit P-23	Medical examination report
6.	Exhibit P-24	Seizure panchanama (admitted by accused)

Sr.No.	Exhibit Number	Description
7.	Exhibit P-25	caste certificate of the victim (admitted by accused)
8.	Exhibit P-26	Birth certificate of victim (admitted by accused)
9.	Exhibit P-27	Arrest panchanama (admitted by accused)

**B. Defence :**

**NIL**

**C. Court Exhibits :**

**NIL**

**D. Material Objects :**

**NIL**

Aheri.

Dated – 12.03.2026.

**(D. M. Aher)**

Judge, Special Court (POCSO Act),  
Aheri, District – Gadchiroli.

-----

**Certificate**

I affirm that the contents of this PDF file Judgment is same word to word as per the original Judgment.

- a) Name of the Stenographer :- Ramesh B. Chandekar  
Stenographer - Grade 1.
- b) Court :- Judge, Special Court (POCSO Act),  
Aheri, District Gadchiroli.
- c) Judgment directly typed on dias PC. :- 12/03/2026
- d) Judgment signed & checked by P.O. :- 12/03/2026
- e) Judgment uploaded on :- 12/03/2026