

MHGA130006362023



Spl. POCSO C. No. 84/2023
Spl. POCSO C. No. 103/2021 (Old)
State vs. Mallesh Yeladi (Judgment)

Presented on : 02/12/2021
Registered on : 03/12/2021
Decided on : 01/07/2026
Duration : Yr. Ms. Ds
04, 06, 29

EXHIBIT NO. 39

FORM NO. XXXII

Part 'A'

(Title Page of Judgment)

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

IN THE COURT OF JUDGE SPECIAL COURT (POCSO), AT AHERI, DIST. GADCHIROLI.		
Present :- Rohan B. Rehpade, Judge, Special Court (POCSO)		
	Date of Judgment :- 01/07/2026 Spl POCSO Case No. 84/2023 (Old Spl (POCSO) Case No. 103/2021)	
	FIR/Crime No. 302/2021 Aheri Police Station.	
COMPLAINANT/ PROSECUTION		State of Maharashtra , through Police Station, Aheri
REPRESENTED BY		A.P.P. Shri S.D. Gawade
ACCUSED	A-1	Mallesh Banayya Yeladi , Age – 21 Years, Occu. - Labour, R/o.Boparam, Tahsil – Kotapalli, District – Mancherial (Telangana)

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Spl. POC SO C. No. 84/2023
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REPRESENTED BY		Advocate Shri. Pankaj Dahagaonkar
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Part 'B'

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

Date of Offence	29/07/2021
Date of FIR	30/07/2021
Date of Charge-sheet	02/12/2021
Date of framing of Charges	14/05/2026
Date of Commencement of Evidence	24/06/2026
Date on which judgment is reserved	01/07/2026
Date of the Judgment	01/07/2026
Date of the Sentencing order, if any.	---

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)	Mallesh Banayya Yeladi	06/10/2021	18/04/2023	Under Sections 363, 376 (2)(i), of IPC and Sec.4 of POC SO 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)
PW-1	Victim (Exhibit P-26)	Victim

(Evidence is taken before amendment in Criminal Manual. Therefore, to show the source of exhibit as prosecution letter 'P' is written before number.)

B. Defence Witnesses, if any :

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

C. Court Witnesses, if any :

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

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

Sr.No.	Exhibit Number	Description
1.	Exhibit P-27	C.A. Report in respect of biological samples of victim (admitted by counsel for the accused)
2.	Exhibit P-28 and 29	Spot panchanama/ Crime Details Form (admitted by counsel for the accused)
3.	Exhibit P-30	Spot panchanama (admitted by counsel for the accused)
4.	Exhibit P-31	Arrest Form (admitted by counsel for the accused)
5.	Exhibit P-32 to 34	Letters to FSL (admitted by counsel for the accused)
6.	Exhibit P-35	Form II (admitted by counsel for the accused)
7.	Exhibit P-36	Medico Legal Examination Report (admitted by counsel for the accused)

(Evidence is taken before amendment in Criminal Manual. Therefore, to show the source of exhibit as prosecution letter 'P' is written before number.)

B. Defence :

Sr.No.	Exhibit Number	Description
	-NIL-	-NIL-

C. Court Exhibits :

Sr.No.	Exhibit Number	Description
	-NIL-	-NIL-

D. Material Objects :

Sr.No.	Material Object Number	Description

JUDGMENT(Delivered on 01st day of July, 2026)

1. The accused alleged to have committed offences punishable under Sections 363, 376 (2) (i) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

2. In nutshell, the prosecution's case is as under :-

The victim is the daughter of the informant. At the time of the incident, the victim was minor. The victim and her

parents had gone to Mancheriyal for work. There the victim came in contact with the accused who was residing in the same colony. The accused had given his mobile number to the victim and was in touch with her. On 29.07.2021, at about 1.00 a.m. the accused came to house of the victim and took the victim on his motorcycle to Sironcha. From there, by bus, the victim and the accused went to Mancheriyal where the accused had already taken a room on rent. The accused used to work as mason. On 02.08.2021, when the accused was out for work, police came and they took the victim and brought her to her parental house at Nagepalli. The victim in her statement revealed that the accused committed sexual intercourse with her.

3. As the victim eloped with the accused, the victim's mother lodged report with Police Station, Aheri. Crime No.302/2021 was registered against unidentified person with Police Station, Aheri for the offence punishable under Section 363 of the Indian Penal Code. Investigation of the Crime was made over to Police Sub Inspector Aarti Narote. She visited spot and drew Spot Panchanamas in presence of two panchas. Crime Details Forms were also prepared. Statement of the victim revealed that she had sexual intercourse with the

accused. Birth Certificate of the victim was collected which shows that the victim was minor at the time of the incident. Medical Examination of the victim was conducted. Blood samples, urine samples, vaginal swab, nail clippings, vulval swab, vaginal wash, pubic hair, vaginal smear of the victim were collected. The accused was arrested. Blood sample of the accused was collected. Biological samples of the accused and the victim were sent to Regional Forensic Laboratory for analysis. Statement of witnesses were recorded. Having found sufficient incriminating evidence, Investigating Officer filed charge-sheet for offences punishable under Sections 363, 376 of the Indian Penal Code and Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act.

4. This Court has framed charge against the accused vide Exhibit No.22. Plea of the accused (Exhibit No.23) was recorded. He pleaded not guilty and expressed his intention to contest the charge.

5. From statement of the accused under Section 313 of the Code of Criminal Procedure, defence of the accused appears to be of denial and false implication.

6. The points for determination and my findings thereon are as under :-

Sr. No.	Points	Findings
1.	Does the prosecution prove that on 29.07.2021 at about 22.30 to 01.00 hours at Nagepalli, Tahsil - Aheri, District Gadchiroli the accused kidnapped the victim (minor girl) aged about 16 years from lawful guardianship of her parents without their consent ?	No
2.	Does the prosecution prove that between 30.07.2021 to 02.08.2021 at Mancheriyal the accused committed rape of the victim who was below the age of 16 years and was incapable of giving consent ?	No
3.	Does the prosecution prove that during the above mentioned period and at the place, the accused committed penetrative sexual assault repeatedly or more than once on the victim ?	No
4.	What Order?	As per final order.

7. Heard learned Additional Public Prosecutor and learned advocate for the accused.

REASONS

As to points No. 1 to 3 :-

8. As all these points for determination arise out of same set of facts, I find it profitable to take up all points for determination for discussion, simultaneously.

9. The accused admitted Forensic Reports (Exhibit No.27 and 28), Spot Panchanama/Crime Details Form (Exhibit No.28 and 29), Spot Panchanama (Exhibit No.30), Arrest Form (Exhibit No.31). Letters (Exhibit No.32, 33 and 34) whereby biological samples of the accused and the victim were sent to Regional Forensic Laboratory. The accused further admitted Medico Legal Examination Report (Exhibit No.36). Thus, the accused does not dispute that the victim (PW1) was medically examined, and biological samples of the accused and the victim were sent to Regional Forensic Laboratory, Nagpur. Spots of the incident are not also in dispute.

10. The prosecution has to prove that the victim (PW1) was minor at the time of incident. The victim in her evidence stated that she was 16 years of the age at the time of the incident. Birth Certificate of the victim (PW1) is not proved. Therefore, the prosecution has failed to prove that the victim was child within the meaning of Section 2(d) of the Protection of Children from Sexual Offences Act. Although she stated that she ran away with the accused, in cross-examination by accused, she stated that the accused did not take her anywhere. Thus, there is no evidence to indicate that the accused took the victim (PW1) from lawful guardianship of her parents without their consent. Regarding sexual assault, the victim (PW1) denied that she and the accused resided at Mancheriyal between 30.06.2021 to 02.08.2021 and that the accused established sexual relations with her. This being the position, there is no evidence in support of rape and sexual assault. Consequently, I answer points no.1 to 3 in the negative.

As to Point No. 4 :-

11. In view of my negative findings on points no.1 to 3, the accused is liable to be acquitted. Hence, I pass following order.

ORDER

- 1) Accused **Mallesh Banayya Yeladi**, R/o. Boparam, Tahsil – Kotapalli, District – Mancheriyal (Telangana) is acquitted of Offences punishable under Sections 363, 376 (2)(i) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act vide Section 235(1) of the Code of Criminal Procedure.
- 2) Seized properties being worthless be destroyed after appeal period is over in accordance with provisions of paragraph 73(1)(d) of the Criminal Manual.
- 3) The accused be released forthwith if not required in any other case or crime.
- 4) The accused is directed to furnish P. R. bond of Rs.15,000/- for his appearance before the Higher Court in case an appeal or petition is preferred against this judgment and said bond shall remain in force for the period of six months from today vide Section 437(A) of the Code of Criminal Procedure, 1973.

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- 5) Copy of the judgment be sent to District Magistrate, Gadchiroli vide Section 365 of the Code of Criminal Procedure.

[Dictated and Pronounced in an open Court]

Aheri.
Date – 01/07/2026

(Rohan B. Rehpade)
Judge
Special Court (POCSO),
Aheri.

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CERTIFICATE

I certify that this judgment P.D.F. uploaded is a true and correct copy of original signed judgment.

Name of Court : Additional Sessions Judge, Aheri.

Name of Steno.(Gr.-II) : Shri.A.F. B. Syed.