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Form No.XXXII

Part 'A' (Title Page of Judgment)
[Para 44(i) of Chapter VI of Criminal Manual]

IN THE COURT OF ADDL. SESSIONS JUDGE, JALNA. Present : Dr. S.D. Tawshikar, Special Judge (POCSO Act) & Addl. Sessions Judge-3 (Date of Judgment: 04.08.2026) Special Case No.53/2026	
<i>Crime No.</i> :64/2026 Police Station: Sadar Bajar, Tq. and Dist; Jalna.	
COMPLAINANT	State of Maharashtra, Through Police Station Sadar Bajar, Tq. and Dist; Jalna.
REPRESENTED BY	Addl. P. P. Shri Dr. D. N. Kolhe.
ACCUSED	Prem Devrao Salve, Age 18 yrs., R/o. Kumbhar Pimpalgaon, Tq. Ghansawangi, Dist. Jalna.
REPRESENTED BY	Advocate Shri. G. M. Mankari for accused.

Date of Offence	21.01.2026
Date of F.I.R.	28.01.2026
Date of Charge-sheet	29.01.2026

Date of framing of Charge	06.04.2026
Date of commencement of evidence	31.07.2026
Date of which Judgment is reserved	04.08.2026
Date of the Judgment	04.08.2026
Date of the Sentencing Order, if any	---

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

Rank of Accused	Name of accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.PC.
1]	Prem Devrao Salve,	Notice as per section 35(3) of BNSS	--	u/s 75(1)(i)(ii), 78(1)(i), 115(2), 352, 351(2) of the B.N.S. and u/s 8, 12 of POCSO Act.	Acquitted	---	---

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	ABC (Exh. 17)	Informant/victim

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1]	Exh.P-1/ PW-1	Signature of informant on report
2]	Exh.P-2/ PW-1	Signature of victim on report of 183 of BNSS

B. Defence :- Nil

C. Documents admitted by Defence-

Sr. No.	Exhibit Number	Description Spot panchnama
1]	Exh. 24	Sport panchnama.
2]	Exh. 25	Facial identification form
3]	Exh. 26	Birth report

D. Court Exhibits :

Sr. No.	Exhibit Number	Description
	NIL	

E. Material Objects :

Sr. No.	Material Object Number	Description
	NIL	

JUDGMENT

(Delivered on 04.08.2026)

Accused is facing trial for the offences punishable under section 75(1)(i)(ii), 78(1)(i), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short), under section 8, 12 of Protection of Children from Sexual Offences Act ('POCSO Act' for short).

02. **Briefly stated, facts of the case of the prosecution are as under-**

Informant/victims happens to be a 16 years old girl. She alleges that on 26.01.2026 accused sought to establish relationship with him. He used to threaten the victim for the same. When the victim refused, accused beat her and threatened to kill her and her parents. Getting fed up of repeated harassment, she ultimately approached Sadar Bajar Police Station on 28.01.2026 and lodged First Information Report (FIR) against the accused.

03. During course of the investigation, Investigation Officer (I.O.) recorded statement of the victim and referred her for medical examination. He prepared spot panchnama. The statement of victim came to be recorded as per section 183 of BNSS. I.O. collected birth report of victim. After having sufficient material, he chargesheeted accused for offences under section 75(1)(i)(ii), 78(1)(i), 115(2), 352, 351(2) of the BNS and under section 8, 12 of POCSO Act came to be filed against the accused.

04. The Charge came to be framed against the accused at Exh.11. It was read over and explained to the accused. Accused pleaded not guilty and claimed trial.

05. So as to bring home guilt of the accused, prosecution could examine only one witnesses i.e. informant/victim. Accused did not choose to lead any evidence. The defence of the accused is that of total denial.

06. As there was no incriminating material against the accused, the recording of statement of accused as per section 351 of BNSS came to be dispensed with.

07. Heard both sides and perused material on record. Following points arise for my consideration; I have recorded my findings thereon as detailed herein below.

<i>Sr.No.</i>	<i>POINTS</i>	<i>FINDINGS</i>
1.	Whether the prosecution proves that accused committed physical contact and advances involving unwelcome and explicit sexual overtures and a demand or request for sexual favours with minor girl age 16 years and thereby committed an offence punishable under section 75(1)(i)(ii) of the BNS?	No
2.	Whether the prosecution proves that the accused followed the minor girl and contacted the victim to foster personal interaction repeatedly despite a clear indication of disinterest of victim and thereby committed an offence punishable under section 78(1)(i) of BNS?	No
3.	Whether the prosecution proves that the accused beat the minor victim by voluntarily causing hurt and thereby committed an offence punishable under section 115(1) of BNS?	No
4.	Whether the prosecution proves that the accused committed criminal	No

	intimidation by intentionally insulting the minor victim and thereby gave provocation to the minor victim girl intending or knowing it to be likely that such provocation will cause her to break the public peace or to commit any other offence and thereby committed an offence punishable under section 352 of BNS?	
5.	Whether the prosecution proves that the accused committed criminal intimidation by threatening minor victim girl and thereby committed an offence punishable under section 351(2) of BNS?	No
6.	Whether the prosecution proves that the accused committed sexual assault on the minor victim by touching her inappropriately and thereby committed an offence punishable under section 08 of POCSO Act?	No
7.	Whether the prosecution proves that the accused sexually harassed the victim by touching her inappropriately and by seeking sexual favour from her and thereby committed an offence punishable under section 12 of POCSO Act?	No

8.	What order?	Accused is acquitted.
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REASONS

As to point No.1 to 7 :-

08. It is settled position of law that in criminal trials in India, prosecution is always burdened to prove guilt of the accused beyond reasonable doubts. So as to discharge the said burden, prosecution could examine only one witnesses i.e. the informant/victim (PW-1). The defence admitted various documents and reports as detailed in table herein above. No material witnesses were available on the point of actual incident; hence, the evidence of the prosecution came to be closed.

09. Victim happens to be the star witness of the prosecution and entire case depends on her testimony. However, on perusal of testimony of PW-1 it can be gathered that she did not support the prosecution case. She has resiled from alleged incident as detailed in the First Information Report (FIR) as well her statement under section 183 of BNSS. However, the contents of this statement are also denied by the victim. The witness did not speak a single word against the accused. Learned APP examined this witness by invoking section 157 of Bhartiya Saksh Adhinyam, 2023 (BSA). However, nothing helpful to the prosecution could be elicited. The victim deposed that she knows the accused, he was her neighbor. She also deposes that there was a small dispute between them and same is already settled out of the court. The father of the victim was also present in the court hall during the deposition of the victim.

10. Defence has admitted the spot and facial identification of accused. However, these documents carry no incriminating value. As

the victim failed to support the prosecution, learned APP has rightly closed evidence to save the valuable time of the court. Considering the age of the victim and nature of the dispute, I find that it is uncalled to take any action for perjury against the minor victim.

11. In view of the evidence adduced on record it can be gathered that prosecution failed to prove any of the offences charged against the accused. There is no evidence at all against the accused. Hence, I answer point No.1 to 7 in the negative.

12. In view of negative findings to aforesaid points, accused deserves to be acquitted. Therefore, in answer to point No.8, I pass following order-

ORDER

- 1] Accused **Prem Devrao Salve** is hereby acquitted of the offences punishable under Sections 75(1)(i)(ii), 78(1)(i), 115(2), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short), under section 8, 12 of Protection of Children from Sexual Offences Act ('POCSO Act' for short) vide Section 258(1) of Bhartiya Nagarik Suraksha Sanhita, 2023.
- 2] Bail bond of the accused stands cancelled. He is set at liberty.
- 3] The accused is directed to execute P.R. of Rs.10,000/- (Rupees Ten Thousand only) and S.B. in the like amount and shall give undertaking u/Sec. **485(3) of the Bhartiya Nagarik Suraksha Sanhita, 2023** for appearing before Higher Court, in case of any appeal preferred against this

judgment and order within six months from today.

(Dictated and pronounced in open court)

Date: 04.08.2026.

(Dr. S. D. Tawshikar)
Special Judge (POCSO Act)
& Addl. Sessions Judge-3,
Jalna.

Dictated on :04.08.2026.
Transcribed on :04.08.2026.
Corrected on :04.08.2026.
Signed on :04.08.2026.

CERTIFICATE

I affirm that the contents of this PDF judgment /order are same word to word as per the original order.	
Name of the Stenographer	: Umesh R. Dasare
Name of the Court	: Special Judge (POCSO Act) & District Judge-3 & Addl. Sessions Judge, Jalna.
Date of the Judgment/Order	: 04.08.2026.
Judgment /Order signed by the P. O. on	: 04.08.2026.
Judgment/Order uploaded on	: 04.08.2026.

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