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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: 29.06.2026) Special Case No.90/2025	
<i>Crime No.</i> : 65/2025 Police Station: Chandanzira, Tq. and Dist; Jalna.	
COMPLAINANT	State of Maharashtra, Through Police Station Chandanzira, Tq. and Dist; Jalna.
REPRESENTED BY	Addl. P P Smt. Jayshri Solanke
ACCUSED	Anil Tukaram Ghadage, Age 34 yrs., R/o. Bharat Nagar back side of new Mondha, Jalna, Tq. and Dist. Jalna.
REPRESENTED BY	Advocate Shri. L. E. Udhan for accused

Date of Offence	Prior to 15 days from lodging of complaint
Date of F.I.R.	08.02.2025

Date of Charge-sheet	05.04.2026
Date of framing of Charge	15.04.2026
Date of commencement of evidence	24.06.2026
Date of which Judgment is reserved	29.06.2026
Date of the Judgment	29.06.2029
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]	Anil Tukaram Ghadage,	08.02.2025	24.03.2025	64(2)(f), 64(2)(j), 64(2)(m), 65(1), 115(1), 351(2) of the B.N.S. and 4, 6, 8 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. 10)	Mother of victim
PW-2	DEF (Exh. 10-A)	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
	NIL	

B. Defence :- Nil**C. Documents admitted by Defence-**

Sr. No.	Exhibit Number	Description
1]	Exh. 11	Medical examination report of accused
2]	Exh. 12	Spot panchnama
3]	Exh. 13	Arrest panchnama

D. Court Exhibits :

Sr. No.	Exhibit Number	Description
	NIL	

E. Material Objects :

Sr. No.	Material Object Number	Description
	NIL	

JUDGMENT(Delivered on 29th day of June, 2026)

Accused is facing trial for the offences punishable under section 64(2)(f), 64(2)(j), 64(2)(m), 65(1), 115(1), 351(2) of the

Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) and under section 4, 6, 8 of Protection of Children from Sexual Offences Act ('POCSO' for short).

02. **Brief facts of the case of the prosecution are as under :-**

Informant/victim happens to be step daughter of the accused. She has alleged that 15 days prior to the date of registration of First Informant Report (FIR), when she was alone at the home, accused showed her pornographic videos and forcefully raped her. It is alleged that accused beat and threatened victim while committing rape. Victim revealed the incident to her mother after few days. Thereafter, informant approached Chandanzira Police Station on 08.02.2025 and lodged FIR Crime No.65/2025 for offence punishable under section 64(2)(F), 64(2)(J), 64(2)(M), 65(1), 115(2), 351(2) of B.N.S. and 4, 6 and 8 of POCSO Act.

03. The Investigating Officer recorded the statement of witnesses, got the victim medically examined, visited the spot and prepared the spot panchnama, arrested the accused, recorded statements of the witnesses as per section 181 and 183 of BNSS. After having sufficient material, he chargesheeted the accused for aforesaid offences.

04. My learned predecessor framed charge at Exh.07, to which accused pleaded not guilty and claimed trial.

05. Prosecution has examined the victim as well as her mother. However, both of them did not support the prosecution case. The defence admitted the medical examination report of accused (Exh.11), spot panchnama (Exh.12) and arrest panchnama (Exh.13). As the victim and her mother did not support the prosecution, the evidence of the prosecution came to be closed.

06. 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 being the father of victim in a position of trust or authority towards the victim committed rape on such minor victim girl and thereby committed an offence punishable under section 64 (2)(f) of the BNS?	No
2.	Whether the prosecution proves that the accused committed rape on a minor victim girl being in position of control or dominance over a minor victim girl and thereby committed an offence punishable under section 64 (2)(j) of BNS?	No
3.	Whether the prosecution proves that the accused committed rape repeatedly on a minor victim girl and thereby committed an offence punishable under section 64(2)(m) of BNS?	No
4.	Whether the prosecution proves that the accused committed rape on a minor victim girl under the age of 16 years and thereby committed an offence punishable under section	No

	65(1) of BNS?	
5.	Whether the prosecution proves that the accused beat the minor victim girl by voluntarily causing hurt and thereby committed an offence punishable under section 115(1) of BNS?	No
6.	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
7.	Whether the prosecution proves that the accused committed penetrative sexual assault on minor victim girl and thereby committed an offence punishable under section of POCSO Act ?	No
8.	Whether the prosecution proves that the accused committed penetrative sexual assault repeatedly on committed an offence and thereby committed an offence punishable under section 6 of POCSO ACT?	No
9.	Whether the prosecution proves that the accused with sexual intent touch the vagina of the minor victim girl or	No

	did any other act which involved physical contact and thereby committed an offence punishable under section 8 of POCSO ACT?	
10.	What order?	Accused is acquitted.

REASONS

As to point No.1 to 9 :-

07. It is cardinal principle of criminal trials in India that the prosecution is always burdened to prove guilt of the accused beyond reasonable doubts. So as to discharge the said burden, prosecution could examine only two witnesses i.e. the Victim (PW-2) and her mother (PW-1). However, they did not support the prosecution. The defence admitted rest of the documents/panchanamas and reports. No material witnesses were available on the point of actual incident. Hence, the evidence of the prosecution came to be closed.

08. I have minutely gone through the testimony of both the witnesses. To prove the guilt of the accused the testimony of the victim use to be very crucial. So also, in matter in hand the testimony of mother of the minor victim is also crucial to boost the allegations. The mother of the victim (PW-1) has flatly refused fact of lodging complaint by her daughter against the accused with respect to rape and sexual assault by the accused. As the witness did not support prosecution, she was cross-examined by learned APP by declaring her hostile as per section 157 of Bhartiya Saksh Adhiniyam, 2023 (BSA). However, nothing fruitful could come on record. PW-1 disowned portion marked 'A' from her statement dated 09.02.2025 recorded by police under section 181 of BNSS. PW-1 further deposed that she used to have frequent quarrel with accused and therefore out of an

anger her daughter had been to police station to lodge complaint against the accused. However, PW-1 deposes that her daughter (PW-2) never complained about rape and sexual assault on her at the hands of the accused. PW-1 has denied the suggestion that the matter is settled between her and accused out of the court and therefore she has deposed false.

09. Prosecution also examined the victim who happens to be 16 years old at the time of her deposition. She too resiled from her statement before the police and Judicial Magistrate about rape and sexual assault by the accused. She reiterates that there was quarrel between her mother and father and therefore she had given some complaint with the police. She flatly refused to have lodged complaint about rape and sexual assault by the accused.

10. Learned APP examined the PW-2 as per section 157 of BSA. However, nothing helpful for the prosecution could come on record. Entire FIR was read over to PW-1, however, she denied the correctness of the allegations contented in the FIR.

11. Learned advocate for the accused submits that from the testimony of these witnesses, it is clear that there was some domestic quarrel between PW-1 and accused (husband) and therefore complaint came to be lodged. He submits that there is no iota of evidence about sexual assault on the victim. He ultimately prayed to acquit the accused.

12. In view of the aforesaid discussion, it is clear that the star witnesses of the prosecution on whom entire case rests, failed to support prosecution. There is no material to support the accusations charged against the accused with respect to rape or sexual assault by the accused. The documents admitted by the defence are formal in

nature. There is no incriminating material against the accused to boost the allegations of the prosecution. The learned APP rightly dropped other witnesses so as to save valuable court time. In matter in hand examination of other witnesses would be a futile exercise. In given facts and circumstances, considering the relationship of the witnesses with the accused, I do not find it just and proper to initiate action against the witnesses for offence of perjury.

13. Hence, I hold that the prosecution failed to prove the charges levelled against the accused. Hence, I answer point No.1 to 9 in the negative. Therefore, accused deserves acquittal.

14. In answer to point No.10, I pass following order-

ORDER

- 1] Accused **Anil Tukaram Ghadage** is hereby acquitted of the offences punishable under Sections 64(2)(f), 64(2)(j), 64(2)(m), 65(1), 115(1), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and under section 4, 6, 8 of Protection of Children from Sexual Offences Act, 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 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.

- 4] Muddemal property i.e. cloths of victim, being worthless, be destroyed after appeal period is over.
- 5] Muddemal property i.e. one I-tell A-50C mobile model No.A669L, IMEI no.356019254218506 and 356019254218514, one VI sim-card no.7057805762 and one M ROCK USB Flash drive 8 GB, seized from the accused vide panchnama (Exh.13), be returned to the accused, after appeal period is over.

(Dictated and pronounced in open court)

Date: 29.06.2026.

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

Dictated on :29/06/2026.
Transcribed on :29/06/2026.
Corrected on :29/06/2026.
Signed on :29/06/2026.

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	:	29/06/2026.
Judgment /Order signed by the P. O. on	:	29/06/2026.
Judgment/Order uploaded on	:	29/06/2026.

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