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IN THE COURT OF FAST TRACK SPECIAL COURT,

KOLHAPUR, AT KOLHAPUR

(Present : Shailendra Tambe – Fast Track Special Judge, Kolhapur.)

Sessions Case No.40 of 2026.

Exh. No. 58/A

FIR No.99 of 2022 – Kodoli Police Station, Kolhapur.

Complainant	The State of Maharashtra,
Represented By	Mrs. A.A.Kulkarni, A.P.P. for the State.
Accused	1) Chaya Sukhadev Thorat. Age 44 years, Occu. Household, R/o. Kodoli, Tal. Panhala. District Kolhapur. 2) Aniket Sanjay Kamble, Age 23 years, Occu. Labour, R/o. Bhadole, Tal.Hatkanangale, District Kolhapur. 3) Sunita Sanjay Kamble, Age 52 years, Occu. Household, R/o. Bhadole, Tal.Hatkanangale, District Kolhapur.

	<p>4) Arjun Vilas Thorat, Age 36 years, Occu. Labour, R/o. Kodoli, Tal. Panhala, District Kolhapur.</p> <p>5) Shankar Nana Thorat, Age 37 years, Occu. Labour, R/o. Kodoli, Tal. Panhala, District Kolhapur.</p> <p>6) Vilas Ramchandra Thorat, Age 65 years, Occu. Labour, R/o. Kodoli, Tal. Panhala, District Kolhapur.</p> <p>7) Sandip Nana Thorat, Age 30 years, Occu. Labour, R/o. Kodoli, Tal. Panhala, District Kolhapur.</p> <p>8) Mahadev Babu Thorat, Age 31 years, Occu. Labour, R/o. Kodoli, Tal. Panhala, District Kolhapur.</p> <p>9) Sanjay Vishnu Kamble, Age 37 years, Occu. Labour, R/o. Bhadole, Tal.Hatkanangale, District Kolhapur.</p> <p>10) Prakash Balu Gaikwad, Age 54 years, Occu. Labour, R/o. Kodoli, Tal. Panhala, District Kolhapur.</p> <p>11) Mohan Maruti Kamble, Age 45 years, Occu. Agri., R/o.Kurni, Tal. Kagal, District Kolhapur.</p>
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	<p>12) Milind Sadashiv Kamble, Age 45 years, Occu. Agri., R/o. Bhadole, Tal.Hatkanangale, District Kolhapur.</p> <p>13) Rajendra Sudhir Kamble, Age 36 years, Occu. Agri., R/o. Bhadole, Tal.Hatkanangale, District Kolhapur.</p>
Represented By	<p>Mr. A.B.Chokakakar Ld. Adv. For accused Nos. 1, 4 to 8.</p> <p>Mr. O.S.Parab, Ld. Adv. For accused Nos. 2, 3, 9 to 13.</p>

**Offences punishable U/Sec.376 of IPC,
U/Secs.4, 6, 8, 12 of POCSO Act and
U/Sec.9, 10, 11 of The Prohibition of
Child Marriage Act, 2006.**

Date of offence	05/09/2021
Date of FIR	16/06/2022.
Date of Charge-sheet	03/02/2023.
Date of Framing of Charges	04/04/2026.
Date of commencement of evidence	04/04/2026.
Date on which judgment is reserved	23/04/2026
Date of the Judgment	23/04/2026
Date of the Sentencing Order, if any	--

Accused Details

Sr. No	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.	Chaya Sukhdev Thorat	--	--	U/Sec.376 of IPC U/Secs. 4, 6, 8, 12 of POCSO Act & U/Secs. 9, 10, 11 of Child Marriage Act.	acquittal	--	--
2.	Aniket Sanjay Kamble	--	--	----"----	acquittal	--	--
3.	Sunita Sanjay Kamble	--	--	----"----	acquittal	--	--
4.	Arjun Vilas Thorat	--	--	----"----	acquittal	--	--
5.	Shankar Nana Thorat	--	--	----"----	acquittal	--	--
6.	Vilas Ramchandra Thorat	--	--	----"----	acquittal	--	--
7.	Sandip Nana Thorat	--	--	----"----	acquittal	--	--
8.	Mahadev Babu Thorat	--	--	----"----	acquittal	--	--
9.	Sanjay Vishnu Kamble	--	--	----"----	acquittal	--	--
10	Prakash Balu Gaikwad	--	--	----"----	acquittal	--	--

11	Mohan Maruti Kamble	--	--	----"----	acquittal	--	--
12	Milind Sadashiv Kamble	--	--	----"----	acquittal	--	--
13	Rajendra Sudhir Kamble	--	--	----"----	acquittal	--	--

A. List of prosecution witnesses :

Rank	Name	Exh. Nos.	Nature of Evidence
PW 1	S**** A***** K*****	24	Victim
PW 2	Mahesh Manohar Gaikwad	35	Police Head Constable
PW 3	Vishwas Balwant Shedge	40	Investigating Officer.

A. List of Defence witnesses :

Rank	Name	Exh. Nos.	Nature of Evidence
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A. Prosecution exhibits :

Sr.No.	Exh. Nos.	Description.
1.	36	Statement of the Informant, dtd.14/06/2022.
2.	41	Order of PSO dtd. 16/06/2022.
3.	42	Spot Panchnama, dtd.17/06/2022.
4.	43	Portion mark 'A' in the statement of the Victim.

B. Defence exhibit :

Sr.No.	Exh. Nos.	Description.

C. Court Exhibits :

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D. Material Objects :

Sr. No.	MO/ Article Nos.	Description

J U D G M E N T**(Delivered on 23rd April, 2026)**

1) The accused No.1 to 13 are tried for the commission of offences punishable U/Secs. 376 R/w.34 of Indian Penal Code, U/Secs.4, 6, 8, 12 of Protection of Children from Sexual Offence Act and U/Sec. 9, 10, 11 of Prohibition of Child Marriage Act, 2006 .

2) **The facts of the prosecution's case in nutshell is as under :**

Accused No.1 is a mother, accused No.2 is a husband and accused No.3 to 13 are relatives of the victim. On 05/09/2021, all accused arranged the marriage of accused No.2 with the victim despite knowing that the victim was 16 years, 11

months. The Informant, Mahesh Gaikwad, Police Head Constable of Vadgaon Police Station inquired about the matter, he came to know that accused No.1 i.e. mother of the victim performed marriage of minor Victim S****, aged about 16 years 11 months with accused No.2 at Kodoli. It also came to know that all the accused were present for the marriage ceremony of the victim and accused. Thereafter, the informant lodged FIR against accused being C.R. No.99/2022, at Vadgaon Police Station, U/Secs. 376 of Indian Penal Code, U/Secs.4, 6, 8, 12 of Protection of Children from Sexual Offence Act and U/Sec. 9, 10, 11 of Prohibition of Child Marriage Act, 2006.

3) The Investigating Officer, during investigation has recorded the statement of material witnesses, visited the spot and prepared the spot panchanama. During investigation, it was transpired that, the accused No.1 to 13 have committed said offences. Accordingly, Investigating Officer has submitted the charge sheet against the accused No.1 to 13.

4) The Charge was framed vide Exh.20 for the offences punishable U/Secs. 376 of IPC, U/Secs.4, 6, 8, 12 of POCSO Act and U/Secs. 9, 10, 11 of the Prohibition of Child Marriage Act, 2006. The accused No.1 to 13 denied all allegations and claimed to be tried. The statement of the accused No.1 to 13 U/Sec.313 of Cr.PC. were recorded vide Exh.45 to Exh.57. Accused denied all the incriminating evidence against them.

5) Heard Ld.APP, Mrs. A. A. Kulkarni for the State and Mr. A.B.Chokakakar Ld. Adv. for accused Nos. 1, 4 to 8 and Mr. O.S.Parab, Ld. Adv. For accused Nos. 2, 3, 9 to 13.

6) Following points arise for determination. My finding against each point is as under for the reasons given below :

Sr. No.	Points	Findings
1.	Does the prosecution prove that accused No.2 in between 05/09/2021 to 13/06/2022, committed rape on minor victim aged 16 yrs., 11 months at various places and thereby committed an offence punishable U/Sec. 376 of IPC ?	.. No.
2.	Does the prosecution prove that the accused No.2, on the aforesaid date, time and place, committed penetrative sexual assault on minor victim aged 16 yrs., 11 months and thereby committed an offence punishable U/Sec. 4 of the POCSO Act ?	.. No.
3.	Does the prosecution prove that the accused No.2 on the aforesaid date, time and place, aggravated penetrative sexual assault on minor victim 16 yrs., 11 months and thereby committed an offense punishable U/Sec.6 of the POCSO Act ?	.. No.
4.	Does the prosecution prove that the accused No.2 on the aforesaid date, time and place, committed sexual assault on minor victim 16 yrs., 11 months and thereby committed an offence punishable U/Sec.8 of the POCSO Act ?	.. No.

5. Does the prosecution prove that the accused No.2 on the aforesaid date, time and place, committed sexual harassment of minor victim 16 yrs., 11 months and thereby committed an offence punishable U/Sec.12 of the POCSO Act ? .. **No.**

6. Does the prosecution prove that, on the aforesaid date, time and place, the accused performed a child marriage with minor victim 16 yrs., 11 months and thereby committed an offence punishable under Sections 9, 10, 11 of the Prohibition of Child Marriage Act, 2006 ? .. **No.**

7. What Order ? ..As per final order.

As to Point Nos.1 to 6 :-

7) The case of the prosecution is mainly based on the evidence of the victim (PW 1). However, the victim has not supported the prosecution case.

8) The victim (PW 1) deposed vide Exh.34 that, in year 2022, she was residing at Kodoli. However, she denied that her native place is Bhadole, Tal. Hatkanangale. On 17/06/2022, her statement was recorded by Kodoli Police Station. She further deposed that in 2022, she was studying in 10th standard. In 2002 she was not acquainted with Aniket Kamble. So also she denied her marriage with accused Aniket. She further deposed that She does not know the accused, Sanjay Kamble and Rakesh and

neither the accused Rakesh nor Sanjay committed any act against her. As victim denied about happening of any incident, hence, Ld. APP has cross-examined the victim, however, except denial nothing has come on record. During cross-examination, the victim denied that in the year 2022, the accused Rakesh Kale came to her home and committed an act intended to outrage her modesty. Furthermore, she has denied about her marriage with the accused, Aniket Kamble. She admitted that Crime Register No. 305/2022 was registered against the accused at the Vadgaon Police Station upon her complaint. However, she has denied that the accused committed any misconduct against her.

9) PW 2, Mahesh Gaikwad, Police Head Constable of Vadgaon Police Station deposed vide Exh.35. He deposed that on 14/06/2022, Police Inspector, Mr.B.A.Talekar informed him about the child marriage. Upon inquiry, he came to know about the child marriage of victim, aged about 16 years 11 months with accused Aniket Kamble. Therefore, he filed a complaint (Exh.36) against the accused. However, in his cross-examination, the said witness admitted that he did not receive any written order for lodging a complaint. PW 2 admitted that he has not seen the documents in C.R.No.305/2022.

10) PW 3 – P. I., Vishwas Shedge, Investigating Officer deposed vide Exh.40 that in year 2022, he was working as API at Kodoli Police Station. He investigated C.R.No.99/2022 as per

order of PSO (Exh.41). On 17/06/2022 I.O. conducted the spot panchnama (Exh.42). He recorded Portion Mark 'A' (Exh.34) in the statement of the victim as per her say. He also recorded the statement of other witnesses. PW 3, (I.O.) obtained the marriage Yadi and photographs of marriage. After completion of the investigation, Investigating Officer filed charge-sheet against accused. However, in cross-examination, PW 3 admitted that he do not know whether he has produced station diary extract or not. So also he admitted that he do not remember whether he has obtained the birth certificate of the victim or not. The testimony of PW 3, is of formal nature and merely on basis of his testimony, the accused cannot be held guilty. The charges levelled against accused are serious in nature. Hence, it requires stringent proof. In the present case, the victim has not deposed as per the prosecution case. Thus, no offence of child marriage has been proved against accused.

11) In the present case, the prosecution has failed to bring on record any cogent, convincing and reliable evidence to establish the proof of child marriage. As, there is no incriminating evidence against the accused, the offences leveled against them cannot be established.

12) Thus, the prosecution has failed to prove ingredients and the charges levelled against accused No.1 to 13, U/Secs. 376 of IPC, U/Secs.4, 6, 8, 12 of POCSO Act and U/Secs. 9, 10,

11 of the Prohibition of Child Marriage Act, 2006. Hence, I answer the point Nos.1 to 6 in the negative.

As to Point No.7 :-

13) The prosecution has miserably failed to establish the offence against the accused No.1 to 13. Hence, I answer Point No.7 accordingly. In the result, accused are entitled for acquittal. Hence, following order.

- ORDER -

(1) Accused No.No.1) - Chaya Sukhdev Thorat, 2) - Aniket Sanjay Kamble, 3) -Sunita Sanjay Kamble, 4) Arjun Vilas Thorat, 5) - Shankar Nana Thorat, 6) - Vilas Ramchandra Thorat, 7) - Sandip Nana Thorat, 8) - Mahadev Babu Thorat, 9) - Sanjay Vishnu Kamble, 10) - Prakash Balu Gaikwad, 11) - Mohan Maruti Kamble, 12) - Milind Sadashiv Kamble and 13) - Rajendra Sudhir Kamble are hereby acquitted U/Sec.235 (1) of the Cr.PC. for the offences punishable U/Secs. 376 of IPC, U/Secs.4, 6, 8, 12 of POCSO Act and U/Secs. 9, 10, 11 of the Prohibition of Child Marriage Act, 2006.

(2) Bail bonds of accused Nos.1 to 13 stand cancelled.

(3) The accused No.1 to 13 shall execute bail bond under Section 437-A of the Code of Criminal Procedure, in the sum of Rs.10,000/- each with one solvent surety in the like amount, which shall be in force for six months.

(5) Copy of this judgment be sent to the District Magistrate, Kolhapur vide Section 365 of Cr.PC. The District Magistrate, Kolhapur shall submit compliance report to this Court.

(6) Sessions Case No.40/2026 stands disposed of.

(Pronounced in open Court).

Date :- 23/04/2026

(Shailendra Tambe)
Fast Track Special Judge (FTSJ),
KOLHAPUR.