



<b>Represented By</b>	Mr.R.P Sadolikar, Ld. Adv. for accused.

**Offences punishable U/Secs. 363, 366-A, of The Indian Penal Code & U/Secs.12 of Protection of Children from Sexual Offence Act, 2012.**

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Date of offence	02/05/2022.
Date of FIR	03/05/2022.
Date of Charge-sheet	01/07/2022.
Date of Framing of Charges	04/02/2026.
Date of commencement of evidence	27/02/2026.
Date on which judgment is reserved	<b>06/04/2026.</b>
Date of the Judgment	<b>06/04/2026.</b>
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.	Vinod Haridas Aakade,	8/5/2022	25/5/2022	U/Ss.363, 366-A of IPC & U/Sec. 12 of POCSO Act.	acquitted	--	--
2.	Mahadevi @ Madhuri Sitaram Yadav,	9/5/2022	13/5/2022	U/Ss.363, 366-A of IPC & U/Sec. 12 of POCSO Act.	acquitted	--	--

3.	Radhika Sidharath Aakade,	9/5/2022	13/5/2022	U/Ss.363, 366-A of IPC & U/Sec. 12 of POCSO Act.	acquitted	--	--
4.	Shankuntal a Vishwas Gaikwad,	9/5/2022	13/5/2022	U/Ss.363, 366-A of IPC & U/Sec. 12 of POCSO Act.	acquitted	--	--

**A. List of prosecution witnesses :**

Rank	Name	Exh. Nos.	Nature of Evidence
PW 1	P**** K**** R****	9	Victim
PW 2	Ashok Hari Shinge	13	PHC
PW 3	Anil Laxman Shirole	16	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.	Exh. 17	Order of PSO, Rajarampuri Police Station, dtd. 03/05/2022.
2.	Exh. 15	Statement of the Victim, dtd.03/05/2022.
3.	Exh.18	Birth Certificate of the Victim.
4.	Exh.20 & 24	Spot Panchnama, dtd.05/05/2022.

Sr.No.	Exh. Nos.	Description.
5.	Exh.21	Letter issued by Rajarampuri Police Station to Medical Officer, CPR Hospital.
6.	Exh.22 & 23	Medico-Legal Examination Report of Sexual violence.

**B. Defence exhibit :**

Sr.No.	Exh. Nos.	Description.

**C. Court Exhibits :**

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**D. Material Objects :**

Sr. No.	MO/ Article Nos.		Description
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## **J U D G M E N T**

( Delivered on 6<sup>th</sup> April, 2026 )

The accused are tried for the commission of offences punishable U/Secs.363, 366-A of The Indian Penal Code and U/Secs. 12 of the Protection of Children from Sexual Offence Act, 2012.

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

A) The informant is residing near Biraje Kirana Stores, Rajendranagar, Kolhapur along with family member. The victim, P\*\*\*\*, daughter of the informant, aged about 14 years 5 months was studied up to 8<sup>th</sup> standard. On 02/05/2022, at about 7.00 p.m., the informant's elder daughter called her and informed that the victim was not at home. Subsequently, the informant searched the victim among neighbors, friends, and relatives; however, she could not traced. Thereafter, the informant lodged FIR against accused being C.R.No.218/2022, at Rajarampuri Police Station, U/Sec. 363, 366-A of Indian Penal Code and U/Secs.12 of the Protection of Children from Sexual Offence Act, 2012.

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 have committed said offences. Accordingly, Investigating Officer has submitted the charge sheet against the accused.

4) The Charge was framed against accused vide Exh.6 for the offences punishable U/Sec.363, 366-A of Indian Penal Code and U/Secs.12 of the Protection of Children from Sexual Offence Act, 2012. The accused denied all allegations and claimed to be tried. The statements of the accused No.1 to 4 U/Sec. 313 of Cr.P.C. were recorded vide Exh.27 to 30. Accused

denied all the incriminating evidence against them.

5) Heard, Mr. A.A.Kulkarni, learned A.P.P. for the State and Shri.R. P. Sadolikar, Ld. Advocate for accused.

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 prosecution prove that, on 02/05/2022, at about 17.00 hrs.,near Raja Biraje Kirana Stores, Rajendra Nagar, Kolhapur, from the house of the informant, kidnapped the.. No. victim, aged 14 years 5 months and thereby committed an offence punishable U/Sec. 363 of IPC ?	No.
2.	Does prosecution prove that, on the aforesaid date, time and place, the accused induced minor victim, aged 14 years 5 months to go from the custody of her parents with intent that the said victim may be or knowing that it .. No. is likely that the said victim will be forced to illicit intercourse with the accused and thereby committed an offence punishable U/Sec. 366-A of IPC ?	No.
3.	Does prosecution prove that, on the aforesaid date, time and place, accused committed sexual harassment on minor victim, aged 14 .. No. yrs., 5 months and thereby committed an offence punishable U/Sec. 12 of POCSO Act ?	No.
4.	What Order ?	As per final order.

**- R E A S O N S -**

**As to Point Nos.1 to 3 :**

7) In order to prove the offences, the prosecution has examined in all 3 witnesses. The case of the prosecution is mainly based on the evidence of the victim (PW1). However, she has not supported the prosecution case. The prosecution has closed its evidence by filing pursis vide Exh.26.

8) PW 1, P\*\*\*\*, the victim has deposed vide Exh.9 that in 2022, she was residing along with her parents and three sisters at Rajendranagar. The victim's date of birth is 15/11/2007. In 2022, her mother i.e. the informant is used to go for work at about 4.00 p.m.. She does not know the accused Vinod Aakade. PW 1 further deposed that on 02/05/2022, there was dispute between herself and her mother, so that she went to her friend and returned in the afternoon. She denied that on 02/05/2022, when her mother was going to work, the accused's sister came to the house and told the victim to run away with the accused because the accused was crying, subsequently, the victim went to Pune with the accused. As the victim denied about happening of any untoward incident and turned hostile. Hence, Ld. APP has cross-examined her, however, except denial nothing has come on record. In cross-examination, the Victim admitted that her mother i.e. the informant is expired in 2023. The victim deposed that she did

not state Portion Mark 'A' of her statement to the police. She further admitted that the matter is amicably settled between her and accused out of court. So also she admitted that her marriage is solemnized with another person.

9) PW 2, Ashok Hari Shinge, PHC deposed vide Exh.13 that on 03/05/2022 he lodged the complaint (Exh.14) of the informant as per her say. The informant bears her signature on said complaint in front of PW 2. PW 2 registered the offence vide C.R.No.218/2022. During cross-examination, PW 2 admitted that he has not investigated the matter.

10) PW 3, Anil Shirole, Investigating Officer deposed vide Exh.16 that he investigated the CR No.218/2022 as per order of PSO (Exh.17). API Mrs. Jounjal has recorded the Portion mark 'A' (Exh.19) in the statement of the victim as per her say. PW 3 knew the signature of API Mrs.Jounjal. PW 3 conducted the spot panchnama (Exh.20) and sent the victim for medical examination with a letter (Exh.21). On 18/05/2022, PW 3 also conducted the spot panchnama. In investigation, the Investigating Officer reveals that though the accused knew that the victim is minor, he committed an offence.

11) PW 2 & PW 3 supported the case of the prosecution. The charges levelled against accused are serious in nature. Hence, it requires stringent proof. In the present case, the

victim has not alleged any overact on the part of accused. Thus, no offence of kidnapping and sexual harassment has been proved against accused.

**12)** The age of the victim is not disputed by the accused. Thus, it can be held that, victim was minor at the time of lodging of FIR. However, there is nothing on record to establish that accused No.1 kidnapped the victim and committed sexual harassment of the minor victim so also accused No.2 to 4 i.e. relative of the accused No.1, induced the minor victim to go from the custody of her parents. As there is no iota of incriminating evidence against the accused to show any overt act on their part, the offences leveled against accused cannot be established. Hence, it is necessary to acquit the accused in the said case.

**13)** Thus, the prosecution has failed to prove the charges levelled against accused U/Secs.363, 366 (A) of Indian Penal Code and U/Secs.12 of the Protection of Children from Sexual Offence Act, 2012 for want of the necessary evidence by the material witnesses. Hence, I answer the point Nos.1 to 3 in the negative.

**As to Point No.4 :-**

**14)** The prosecution has miserably failed to establish the offence against the accused No.1 to 4. In the result, accused No.1 to 4 are entitled for acquittal. Hence, following order.

**ORDER**

(1) Accused No.1) – **Vinod Haridas Aakade**, 2) – **Mahadevi @ Madhuri Sitaram Yadav**, 3) – **Radhika Siddarth Aakade** and 4) **Shakuntala Vishwas Gaikwad** are hereby acquitted U/Sec. 235 (1) of the Cr.P.C. for the offences punishable U/Secs. 363, 366 (A), of Indian Penal Code and U/Sec.12 of the Protection of Children from Sexual Offence Act, 2012.

(2) Bail bonds of accused No.1 to 4 stand cancelled.

(3) The accused No.1 to 4 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.

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

(6) Special Case No.145/2022 stands disposed of.

(Pronounced in open Court).

Date :- 06/04/2026

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