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**IN THE COURT OF SPECIAL JUDGE, KOLHAPUR, AT  
 KOLHAPUR**

(Presided over by Smt. Kavita B. Agrawal–Special Judge)

**Special Case No.82/2019.**

**Exh.No. 101/A**

(C.R. 127/2019 at  
 Radhanagari Police Station,  
 District : Kolhapur.)

<b>Complainant</b>	<b>The State of Maharashtra,</b>
<b>Represented By</b>	<b>Smt. P. J. Jadhav Ld. APP for the State.</b>
<b>Accused</b>	<b>Dattatraya B*** G***,    Age : 53 Yrs., Occu. Labour,    R/o. Katy***, Tal. Karveer,    Dist. Kolhapur.</b>
<b>Represented By</b>	<b>Shri. S. S. Narandekar, Learned Advocate    for accused and Adv. V. M. Ghorpade,    LADCS, for accused (for argument )</b>

**Offences punishable U/Secs. 376 (2) (f) (n),  
 504 and 506 of the IPC and U/Secs. 4 r/w. 3  
 (a), 6 r/w. 5 (l) (m) (n) of the POCSO Act.**

Date of offence	Since 2013 to 27/06/2019
Date of FIR	06/07/2019
Date of Chargesheet	03/09/2019
Date of Framing of Charges	18/03/2021
Date of commencement of evidence	23/01/2023.
Date on which judgment is reserved	23/04/2026

Date of the Judgment	08/05/2026
Date of the Sentencing Order, if any	08/05/2026

**Accused Details**

Sr. No.	Name of Accused	Date of Arrest	Date of Release on Anticipatory 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	Dattatraya B*** G***	06/07/2019	In jail	U/Secs. 376 (2) (f) (n), 504, 506 of the IPC and U/Sec. 4 r/w. 3 (a), 6 r/w. 5 (l) (m) (n) of POCSO Act	convicted	Yes	6 Yrs. 10 Months and 2 days.

**A. List of prosecution witnesses:**

Rank	Name	Exh. Nos.	Nature of Evidence
PW1	Bandopant Dnyandev Kamble	16	Panch on seizure panchanama of cloths of accused.
PW2	Aadesh Sitaram Kadam	20	Panch on seizure panchanama of chits produced by victim
PW3	Sagar Baburao Chavan	25	Panch on spot panchanama
PW4	Dhanaji Balu Bachankar	28	Landlord of accused.
PW5	Madhukar Ananda Chougale	29	Landlord of accused.
PW6	The victim	37	The victim child
PW7	Vinayak Dhondiram Patil	44	Computer Teacher of the victim.
PW8	Pritviraj Jaywant Chavan	49	Friend of victim.
PW9	Dr. Sarang Dilip Khochikar	51	Medical Officer who examined the victim - Expert.

PW10	Shankarrao Sampatrao More	56	Handwriting Expert
PW 11	PHC Shivaji Mahadev Raut	65	PSO, registered the offence,
PW 12	Shivraj Vasantryao Patil	71	Head Master, of Khebvade School
PW 13	API Shri. A. S. Lokhande	76	Investigating Officer
PW14	Dr. Pranjal Sukhadev Vhatkar	89	Medical Officer who examined accused.

**A. Prosecution exhibits :**

Sr.No.	Exh. Nos.	Description.
1	P-17/PW1	Seizure panchanama of cloths of accused
2.	P-18/PW1	Seizure panchanama of cloths of the victim
3.	P-21/PW2	Seizure panchanama of chits produced by victim.
4.	P-22/PW2	Seizure panchanama of Micromax mobile.
5.	P-23/PW2	Seizure panchanama of notebook produced by victim.
6.	P-26/PW3	Spot panchanama dtd. 07/07/2019.
7.	P-38/PW6	Report dtd. 05/07/2019.
8.	P-39/PW6	Statement of the victim U/Sec. 164 of Cr. P. C..
9.	P-40/PW6	Letters written by victim
10.	P-41/A and P-41/B.	Portion mark in red box 'N1A and N1B' in letters written by victim.
11.	P-42/PW6	Signatures in medical report.
12.	P-45/PW7	Statement U/Sec. 164 of Cr. P. C. of Vinayak Patil
13.	P-50/PW8	Statement U/Sec. 164 of Cr. P. C. of Pritviraj Chavan
14.	P-52/PW9	Medical report of the victim

15.	P-57/ PW10	Letter dtd. 03/09/2019 issued by Addl. S. P. Kolhapur
16.	P-58/ PW10	Letter dtd. 05/09/2019 containing shortcomings to Supt. Of Police, Kolhapur.
17.	P-59/1/ PW10	Letter dtd. 23/09/2019 to Chief Examiner of Document
18.	P-59/2/ PW10	Letter dtd. 23/09/2019 to Chief Examiner of Document containing 10 seal packets.
19.	P-60/ PW10	Letter dtd. 20/11/2019 stating objections in documents to S. P. Kolhapur.
20.	P-61/ PW10	Covering letter to Chief Examiner of Document, containing 3 sealed packets.
21	P-62/ PW10	Opinion of Handwriting Expert dtd. 04/10/2021.
22	P-63/ PW10	Covering Letter of opinion dtd. 04/10/2021.
23	P-66/PW11	Letter dtd. 05/07/2019 about registration of offence
24	P-72/ PW12	Extract of Admission register
25	P-73/ PW12	Original School leaving certificate of the victim
26	P-74/ PW12	Original SSC certificate of the victim
27	P-77/PW13	Arrest panchanama of accused.
28	P-78/ PW13	Requisition letter sending the accused for medical examination dtd. 07/07/2019.
29	P-79/ PW13	Requisition letter sending the victim for medical examination dtd. 15/07/2019.
30	P-80/ PW13	Letter sending victim for recording statement U/Sec. 164 of Cr. P. C..

31	P-81/PW13	Letter sending witnesses for recording statements U/Sec. 164 of Cr. P. C..
32	P-90 (colle.)/P W14	Medical Examination report and papers of accused.

**D. Material Objects :**

Sr. No.	MO/ Article Nos.	Discription
1	MO1	Seven pages of notebook.
2	MO2 to MO5	Cloths of the accused
3	MO6 to MO9	Cloths of the victim
4	MO10	Goodluck notebook
5	MO11	Micromax mobile

**- J U D G M E N T -**

( Delivered on 08<sup>th</sup> May, 2026 )

Accused **Dattatraya B\*\*\* G\*\*\*** is facing trial for the offences of rape, penetrative sexual assault and aggravated sexual assault on minor victim aged 15 years 10 months. (The accused is the step father of the victim and hence, to conceal the identity of the victim only first name of accused is used in judgment)

02. Prosecution case in nutshell is that, the informant/victim aged about 15 years and 10 months has lodged report (Exh.P-38/PW6) at Karveer police station. It is contended that, being fed up with the harassment caused by the step father/accused, the victim has gone to commit suicide. However, as she recollected the teachings in school that, suicide is not the solution of every problem, she has approached to Juna Rajwada police station and narrated the series of incident occurred with her. As the

incident has occurred within the jurisdiction of Karveer police station, police from Juna Rajawada took her to Karveer police station. There victim has revealed about the incidents. It is contended that, when she was in 5<sup>th</sup> standard and was alone present at home, accused/step father used to move his private part on her place of urination. Accused has committed similar act with her when she was studying in 6<sup>th</sup> standard and residing at village Sa\*\*\*, Tal. Kagal. When victim was studying in 9<sup>th</sup> standard, one day, her mother has gone for washing cloths and accused has sent her younger brother to shop. By seeing victim alone at home, accused asked her to come near and by removing her nicker, accused committed forcible penetrative sexual assault on her. Thereafter, every fortnight or after a month accused has committed forcible physical relations with the victim. On refusal by victim accused used to ensue quarrel with mother of the victim and threatened to leave them alone. While working in the field of Madhukar Chougale at village Sake, Kagal accused has also committed forcible physical relations with victim.

a) It is further contended that, when victim was studying in 10<sup>th</sup> standard, they were residing in the field of T. B. Patil at village K\*\*yani, accused committed forcible physical relations with her and threatened her not to disclose about the incident to anyone. Victim was under pressure and hence, she has written down about all incidents faced by her on paper. She intimated about the incidents to her friend Pritviraj and he asked her to reveal about the same to her mother. However, victim did not do

so. Thereafter, victim revealed about the incidents to Vinayak Sir, teacher of computer class. He also asked her to lodge report against the accused. However, she has not lodged report.

b) On 25/06/2019 at about 12.00 noon when no one was at home, accused came there and asked the victim for physical relations and forcibly committed penetrative sexual assault on victim. Accused threatened the victim to kill her, her mother and brother. Thereafter, on 05/07/2019, the victim has lodged report (Exh. P-38/PW6) against the step father/accused at Karveer police station.

03. On the basis of above report, Karveer police has registered the offence vide C.R. No.353/2019. However, as the offence was committed in the jurisdiction of Radhanagari police station, report was sent to said police station. There report was registered vide C. R. No. 127/2019 and the investigation was handed over to PSI Shri. A. S. Lokhande (I.O.). During investigation, PSI Lokhande has conducted the spot panchanama at village Ch\*\*\*, S\*\*\* and village K\*\*\*yani (Exh. P-26/PW3). He arrested the accused and seized his cloths vide seizure panchanama (Exh.P-17/PW1). He also seized the cloths of the victim and send her for medical examination. He also send the accused for medical examination. He seized the mobile of accused and chits written by the victim under panchanama (Exh. P-21 and P-22 respectively). He send the victim for recording statement U/Sec. 164 of Cr. P. C.. He included the medical report and statement U/Sec. 164

in charge sheet. After completion of investigation, as there was sufficient evidence against accused, he filed charge sheet against him.

04. The Charge (Exh.7) for the offences punishable U/Secs. 376 (2) (f) (n), 504 and 506 of the Indian Penal Code ('IPC' for short) and U/Secs. 4 r/w. 3 (a) and U/Sec. 6 r/w. 5 (l), (m), (n), Sec. 8 r/w. 7 of Protection of Children from Sexual Offences Act, 2012 ('POCSO' Act for short) was framed, to which the accused denied *vide* plea (Exh.8) and claimed to be tried. Prosecution has examined thirteen witnesses and closed its evidence *vide* pursis (Exh.91).

Statement U/Sec. 313 of Cr. P. C. of accused was recorded *vide* (Exh.92). The defence of accused is of total denial and false implication. The accused has neither examined himself or any witness in his defence, nor filed any documentary evidence in support of his defence. Accused closed his evidence *vide* pursis (Exh.95).

05. Heard, Smt. P. J. Jadhav, learned A.P.P. for the State and Shri. V. M. Ghorpade learned advocate for accused. Ld. APP Smt. Jadhav has also submitted her written notes of arguments at Exh. 96.

**Arguments :-**

06. The Ld. APP Smt. P.J. Jadhav for the State vehemently argued that the accused-step father has committed the serious crime, which degraded the pious relation of daughter and father. The accused has

committed sexual assault on her step daughter when she was studying in 5<sup>th</sup> standard. Being fed up with the assault committed by step father and mental trauma, victim has decided to commit suicide. However, victim courageously lodged report against the accused-step father. The testimony of the victim in cases pertaining to sexual assault is very important. Victim (PW6) during testimony has categorically deposed about the sexual assault and penetrative assault committed by accused-step father. Victim has also deposed about writing down her feelings on paper and production of these papers before police. The handwriting expert Shri. Shankarrao More (PW10) has also deposed that, the handwriting on the chits seized by the police and the handwriting of the victim is same, which strengthen the prosecution case. The victim was medically examined by Dr. Khochikar (PW9). Medical officer has opined about possibility of sexual intercourse and also noted the old healed hymeneal tags. Report of medical officer clearly shows that, the victim was subjected to penetrative sexual assault.

The testimony of Vinayak (PW7) teacher of computer class and Prithviraj (PW8) friend of the victim are also important. Victim has first revealed about the acts of accused before these witnesses. These witnesses have supported the contentions of the victim. Through the testimony of Shivraj Patil (PW12) head master of school, the prosecution has proved the date of birth of the victim and has also proved that on the alleged date of incident the victim was minor. The testimony of investigating officer

and PSO are describing the procedural aspects conducted by them while investigating the matter. The testimony of Dr. P. S. Vhatkar (PW14) shows that, the accused is competent person to perform sexual activities.

Thus, the prosecution has proved all necessary ingredients of the offence of 376 of IPC and Sec. 4 and 6 of the POCSO Act through the testimony of the victim and other material witnesses. The testimony of the victim inspire confidence and is sufficient to hold accused guilty. Accused has not given any reason as to why he was implicated in present crime. Delay in lodging the report is well explained by the prosecution. Considering the age of the accused and the victim child, present incident is a heinous one.

In support of her argument she placed reliance on the citation below;

<b>Sr. No.</b>	<b>Citation</b>
1.	Pandurang Narayan Jadhav Vs. The State of Maharashtra - Cri. Appeal No. 192 of 2017 - decided on 12/04/2019 - Bombay High Court.

07. The previous counsel of accused remained absent in spite of number of opportunities. Hence, the Ld. LADCS Advocate Shri. V. M. Ghorpade was appointed. He vehemently submitted that, as per the prosecution case, the report was lodged on 05/07/2019 under Sec. 376 (2) of IPC and U/Sec. 4 and 6 of the POCSO Act. He drawn my attention towards the amendment in POCSO Act which

came into effect on 16/08/2019 and submitted that, for the present case, the punishment mentioned in Sec. 4 and 6 prior to said amendment will be applicable. Thereafter, he has drawn my attention to the testimony of victim (PW6). He submitted that, the victim has lodged report when she was in 10<sup>th</sup> standard and contended that, accused has committed the sexual assault on her from the time when she was studying in 5<sup>th</sup> standard. It means that, she has undergone the alleged assault for period of 5 years. He has hampered on the point that, during the period of alleged assault the victim was residing with her mother and younger brother. She has every opportunity to reveal about the alleged acts of accused before her mother and younger brother. However, instead of doing this, victim has revealed about the incidents to her friend Prithviraj (PW8) and teacher Vinayak (PW7). One of the witness has also suggested her to reveal about the same to her mother, however, victim has not revealed anything to her mother. As such, conduct of the victim is doubtful.

It is further argued that, the victim's testimony is not trustworthy as she has not narrated about any date of incident. The contents in FIR are vague and on the basis of vague contentions accused cannot be held guilty. There is absence of corroboration between the testimony of victim and report. The prosecution has produced the chits expressing feelings of victim about the incidents. However, the report of handwriting expert is not a perfect science. The allegations levelled against the accused does not come

within the purview of Section 4 and 6 of the POCSO Act. There is inordinate delay in lodging the report. Thus, he prayed to acquit the accused of all the offences levelled against him.

In support of his argument he placed reliance on the following citations;

<b>Sr. No.</b>	<b>Citation</b>
1.	Mohan Singh and Others Vs. Rajni Kant and Another - 2010 DGLS (SC) 598.
2.	Birad Mal Singhvi Vs. Anand Purohit - 1988 DGLS (SC) 447.
3.	Meharban Hasan Babu Khan Vs. State of Maharashtra and Others - 2023 DGLS (Bom.) 2229.
4.	C. Kamalakkannan Vs. State of Tamil Nadu - 2025 INSC 309.
5.	Satauram Mandavi Vs. State of Chhattisgarh and another - 2025 DGLS (SC) 991.

o8. I have anxiously gone through the citations referred above and would refer relevant citations at appropriate places. Perused record and proceeding.

o9. In view of the above, following points arise for determination. My finding against each point is as under for the reasons given below:

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1.	Does prosecution prove that, on 25/06/2019, the victim girl was a child below age of 16 years ?	<b>Yes.</b>

2.	Does prosecution prove that during the period of 2013 to 25/06/2019 in the house of the victim, at various places at village Cha***, Sak*** and Kat*** accused step father has repeatedly committed rape on victim and committed aggravated penetrative sexual assault on her ?	Yes as per final order.
3.	Does prosecution prove that, during the aforesaid period and places accused being a step father abused the victim in filthy language and criminally intimidated her ?	Yes, as regard Sec. 506 and No as regards 504 of the IPC.
4.	Does prosecution prove that, during the aforesaid period and places accused step father with sexual intent touched the victim and thereby caused sexual assault on her?	No.
5.	What offence, if any, proved against the accused ?	U/sec. 376 (3) of the IPC.
6.	What order ?	As per final order.

**- REASONS -**

**Admitted facts :-**

10. It is not disputed that the victim is not the biological daughter of the accused. Though the prosecution has not brought any cogent and convincing evidence as regards legal marriage between the biological mother of the victim and the accused after death of the father of the

victim. However, it is nowhere disputed by the accused that he was residing along with the victim's mother and her family at various places since the demise of victim's father when she was studying in 4<sup>th</sup> standard. The report was lodged in the year 2019 when the victim has already appeared for her SSC examination. Thus, it is manifestly clear that since six years prior to the lodging of the report, the accused was cohabiting with victim's mother under the same roof as husband and wife. Thus, this Court has no hesitation to place reliance on the prosecution's case that accused was the step father of the victim. The victim continued to carry the name of her biological father throughout her education.

**As to point No. 1 :-**

**As regards the age of the victim :-**

11. In case pertaining to the POCSO Act, the age of the victim is an important aspect. To prove the age of the victim, prosecution has examined victim (PW6) and Shri. S. V. Patil (PW12) Headmaster of school. During testimony, the victim deposed her date of birth as 22/08/2003 and that at the time of incident she was studying in 10<sup>th</sup> standard. The prosecution has filed on record, original SSC certificate of the victim and other documents.

12. During testimony Shivraj Patil (PW12) deposed that, the victim was admitted to their school in 9<sup>th</sup> standard since 2017 to 2019 vide entry No. 5507. He produced extract of admission register (Exh.72). On the basis of said

record, he issued school leaving certificate (Exh.73) to the victim dtd. 21/06/2019. Victim has passed out SSC in the year June 2019 and certificate of passing (Exh.74) is given to victim in June 2019. All the above documents (Exh.72 to Exh. 74) revealed the date of birth of victim as 22/08/2003.

During cross-examination, this witness has admitted that, the extract of register (Ex. 72) shows that, the entry of leaving certificate No. 5781/2019 is cancelled. Pertaining to this entry the prosecution has produced on record the school leaving certificate at Exh. 73. Therein also the date of birth of victim is also mentioned as 22/08/2003. It seems that the previous entry was only cancelled as duplicate school leaving certificate was issued. Other suggestions were denied by the witness. The defence is trying to bring on record that there was manipulation in the admission register of school, however, mere suggestion is not sufficient to prove said fact. There appears no discrepancy as regards the date of birth in the school record.

13. I have anxiously gone through the above documents. The document SSC certificate (Exh. 74) clearly shows the date of birth of the victim as 22/08/2003. The document i.e. extract of admission register (Exh.72) and school leaving certificate (Exh.73) both shows the same date of birth. The alleged incident has occurred on 25/06/2019 and the report was lodged on 05/07/2019.

Thus, on the date of lodging of report, the victim was aged about **15 years 10 months**.

14. As regards determination of age of child or Juvenile in conflict with law Hon'ble Apex Court in case of ***Omprakash*** has laid down the hierarchy of the documents to be considered by the Court to determine the age in view of provisions of Juvenile Justice (Care and Protection) Rules 2007. According to Rule 12, the Court shall first consider the matriculation or equivalent certificate if available and in absence thereof, second document i.e. date of birth from school. First attended and in the absence thereof the birth certificate given by Municipal Authority or Panchayat. In absence of first and second document i.e. matriculation or certificate issued by school, third option i.e. birth certificate issued by Municipal authority or panchayat is to be considered.

15. In view of the amended JJB Act, 2015 Sec. 94 of the Act is reiteration of rule 12 and both should be read in consonance with each other. Sec. 94 is pertaining to presumption and determination of age. It also laid down that both the documents shall be considered as per the hierarchy laid down in JJB Act.

16. The certificates issued by Government schools or other bodies run by the Government are relevant and admissible u/sec. 35 of the Evidence Act. Defence has nothing brought on record to doubt the date of birth of the

victim or the contents of the documents pertaining to her age. Thus, the citations relied upon by the defence are not helpful to him. Even the age mentioned by her at the time of medical examination corroborates the above date of birth. As such, this Court has no hesitation as regards the date of birth of the victim. In view of this at the time of lodging report i.e. on 05/07/2019, the victim was aged about 15 years and 10 months. Thus, the victim was child at the time of alleged incidents. Hence, this Court answer the point No. 1 in the **affirmative**.

**As to point No. 2 to 5 :-**

17. Considering the prosecution case and the defence of the accused following facts can be gathered :-

The defence also do not dispute the prosecution case that initially the victim used to reside along with her biological father, mother and younger brother in a village in Kagal Taluka. Her father died when she was studying in 4<sup>th</sup> standard. Subsequently, her mother has to leave the native place due to opposition of proposed marriage with accused and hence the entire family shifted to village Cha\*\*\* of Radhanagri Taluka. Since then victim's mother started cohabiting with accused i.e. since year 2013 as mentioned in the report (Exh.38). Thus, in 5<sup>th</sup> standard the victim used to reside with the accused at village Cha\*\*\* in the house of Vilas Menghane. During her 6<sup>th</sup> and 7<sup>th</sup> standard the victim's family along with accused resided at Sake village at the house of Dhanaji (PW4). The last residence of the victim along with the accused and their family was at

village Katy\*\*\* till lodging of the report (Ex.38) dt. 05/07/2019.

**As regards sexual assault :-**

18. It is the prosecution case that when the victim was of tender age and was studying in 5<sup>th</sup> standard, the accused used to inappropriately touch her and committed sexual assault. Her younger brother was then studying in second standard. Victim (PW6) in her testimony before this Court has deposed that when they were residing in the house of Vilas Menghane, her mother and the accused were working in their cow shed and her mother also used to do the labour work at the house of landlord. It is her testimony that when no one used to be in the house, her step father-the accused used to come near her and touch her inappropriately. Accused also used to sleep along with her and used to move his penis on her private part/urination and used to give her Rs. 5 or Rs. 10 for purchasing eatables. However, as the victim then was not having sufficient understanding, she could not oppose the acts of the accused. The above behaviour of the accused continued even when they shifted to the village Sake. She further contended that when she was studying in 6<sup>th</sup> standard, accused used to insert her penis in her private part and on raising shouts, he used to leave her. Accused has caused her unbearable physical as well as mental harassment.

19. In view of the above substantive testimony of the victim it is also necessary to peruse her previous statements. Her statement under Section 164 of Cr.P.C. was recorded by JMFC Court, Radhanagri on 09/07/2019. The same is at Exh. 39. The victim has narrated her age to be 15 years and 10 months and in view of some formal questions put by the Judicial Officer as the victim understood the sanctity of the oath, oath was administered to her. In para three of her said statement the victim has narrated about her residence at village Cha\*\*\* that, "त्यावेळी माझे सावत्र वडील मला पैसे देवून माझेसोबत झोपायचे त्यावेळी मला काही समजत नव्हते. मी इयत्ता सातवीला असताना आम्ही गाव साके ता. कागल येथे राहण्यास आलो. तेथे राहताना सुध्दा माझे सावत्र वडील मला कोठेही स्पर्श करीत होते."

20. Perusal of the report Exh. 38 dt. 5/7/2019 lodged by the victim reveals that in the year 2013 she was studying in 5<sup>th</sup> standard at Cha\*\*\*, in absence of other family members accused used to remove her knicker and moved his organ of urination i.e. penis on her place of urination. This was done repeatedly by the accused in absence of other family members.

21. It is further allegation of the victim made in the report that as the accused has taken handloan from one Dhanaji Bachankar (PW4) resident of Sak\*\* hence when the victim was studying in 6<sup>th</sup> standard, the accused and her family have gone to reside in their field and her parents used to work there. There also accused used to sleep with

her and used to remove her knicker and move her penis on her private part.

22. The very first statement of the victim pertaining to her woes is expressed by her on notebook pages. The same is at Exh. 40. It has come in her testimony that when she has appeared for SSC examination she has thoughts of committing suicide and at that time she has written the said letter Exh. 40. Perusal of the same reveals that therein the victim has contended that 'the accused (her step father) used to press her breast'.

During cross-examination regarding sexual assault victim admitted that she never complained to anyone about the alleged acts done by accused from 5<sup>th</sup> to 7<sup>th</sup> standard. She admitted that while residing at village Sak\*\*, adjacent to their room, there was room of other workers. She showed her inability to state exact day, date or time when accused has sexually harassed her.

23. On considering the substantive testimony and her previous statements, it is revealed that in her statement before JMFC Court there is vague contentions about accused touching her at 'any' place. In her so called letter Exh. 40 it is her contention that the accused used to press her breast. However, in her substantive testimony the victim goes much ahead and states that the accused used to move his private part on her part of urination/private part after removing her knicker. This contentions are pertaining

when she was studying in 5<sup>th</sup> to 7<sup>th</sup> standard. It is admitted fact that the victim has not revealed or whispered any one about the alleged conduct or behaviour of her step father. She has even no faith in her own blood i.e. mother and never uttered a word to her. The victim contends that she was having the belief that her mother would not rely on her. However, the conduct of the victim and her substantive testimony shows that there are material exaggerations in the contention of the victim and same is not corroborated by her previous statements.

24. It is trite law that sole testimony of a victim of sexual assault can be relied upon for convicting the offender if the same is found to be consistent and trustworthy. However, in the present case the testimony of the victim is improved from time to time in respect of the alleged act of the accused and the part touched by him. At one place she contends that accused used to touch her person, in the next statement she contends that accused used to press her breast and in third statement she contends that accused used to move his private part on her private part. Thus, there is tendency not only to improve and exaggerate, but to increase the seriousness of the offence and that too of the past five years. There is no independent corroboration to the alleged previous acts by way of oral testimony or even by any conduct on the part of the victim to show that she was undergoing any such trauma. All the above contentions first cropped up when she first wrote a chit after her SSC examination. The

substantive testimony of the victim is not corroborated by the contents of the chit on material aspects. In the above facts and circumstances it would not be just and proper to place explicit reliance on the contents of the chit which is undated, unsigned and uncorroborated.

**As regards penetrative sexual assault (Rape) :-**

25. In the above facts and circumstances it would be proper to focus on the testimony of the victim as regards the alleged contentions about penetrative sexual assault. It is the contention of the victim that when she was in 8<sup>th</sup> standard, initially her family and the accused returned to the native place and then again went to village Sake. There accused and her mother started working with one Madhukar Chougule in his cow shed and her mother also used to do household work. The victim and her family along with the accused used to reside in a room adjacent to the cow shed. The accused continued to misbehave with her, but as sufficient understanding developed in her, she used to oppose the advances made by the accused. Once when her mother has gone for washing cloths on streamlet the accused send her younger brother to the shop and committed forcible sexual intercourse (coitus) with her. Since thereafter accused started physical demands with her. However, the victim started opposing him and used to hate her. Whenever the victim used to warn the accused that she would reveal about his acts to her mother, accused used to threaten her that he would 'kill her mother' and would spoil her life. He also used to abuse victim in filthy

language and used to threaten to end his life. Due to refusal of the victim, accused used to intentionally harass her mother and brother, but they were unaware of the reasons.

26. The victim then narrated about the incident when she was in 10<sup>th</sup> standard. Her family has gone for work at village Manwale. However, due to education of the victim she was kept at the house of friend of the accused namely, Jaywant. On holidays, accused used to take her to village Manwale. She contended that on the way accused used to demand physical relations. After three months all of them started residing together at village Katy\*\*\* in the field of T. B. Patil. She contended that on 25/06/2019 in the afternoon the accused committed forcible physical relations with her when her mother has gone to neighbourhood and the brother has gone to the school. She deposed that accused used to behave with her in cruel manner and abuse and assault her and threaten her to kill her mother. After two days also accused demanded physical relations from her. Till then she has not revealed about the conduct of the accused to anyone.

27. After her SSC examination, one day she wrote her grievance on note book pages (Exh.40) and thought to commit suicide as no one will believe her. For the first time she revealed about the conduct of the accused to Prithviraj (PW8), son of the employer of the accused viz. Jawyant Chavan on phone. On 27/06/2019 when accused has

demanded for physical relations, she has tried to record his talks on mobile handset, but it could not be recorded. Then she joined MJN Computer classes where Vinayak Patil (PW7) sir used to teach them. The victim revealed about the acts of the accused to him. Said teacher also suggested her to lodge report against the accused, but victim could not gather courage. She contended that even if she used to demand bus fare from the accused, he used to demand physical relations and then he used to give bus fare. She contended that on 5/7/2019 when she was leaving for her college for her 11<sup>th</sup> admission, the accused has demanded physical relations when she asked for bus fare and at that time she decided to commit suicide. However, on recollecting the lesson taught in the school that, suicide is not solution of any problem, she decided to take advise of the police. Hence, she went to Juna Rajwada Police station which was near to her computer class. There her report (Exh.38) was recorded.

28. The above testimony of the victim about penetrative sexual assault by the accused on 25/06/2019 stands corroborated by the contents of the report (Exh. 38). The prior incident is also referred in the report, but instead of 8<sup>th</sup> standard it is mentioned as 9<sup>th</sup> standard. There may be minor discrepancies, but the details are same. In her statement u/sec. 164 of Cr.P.C. also it is contended that when she was studying in 9<sup>th</sup> standard accused used to commit repeated sexual assault on her. In her letter

(Exh.40) there is general contention that accused subjected her to penetrative sexual assault.

29. It is necessary now to see how the victim travels through the cross-examination. About the incident of the year 2019, the victim admitted that there are houses of Jain community adjacent to the house of T. B. Patil where they used to reside, but they are at the walking distance of 10 minutes. She denied that if one raises shouts in the house, those can be heard in the neighbouring houses. The agricultural land was adjacent to their house and her mother as well as accused both used to work in the said field. She contended that the alleged incident has occurred in the morning and even after, after returning from the school and on holidays. She admitted that she could not tell the definite dates or time of the alleged incidents, as they have occurred number of times. She could not tell the date or year when for the first time accused has subjected her to penetrative sexual intercourse. She admitted that she has friends in the school, but she has not disclosed to any of them or her teacher about the accused. For the first time she has written the letter Exh. 40 about the alleged incident after her SSC examination. Thereafter she has intimated about the accused to Prithviraj (PW8). The victim has resided for about 3 months at the house of Prithviraj (PW8) and his father, the friend of accused. She admitted that during that period accused used to visit the house of Jawyant, but denied that Jawyant and Prithviraj has abused and assaulted the accused. The victim admitted that her mother used to tell her that after her computer class

she would perform her marriage and accused used to also say the same thing. The mobile handset (MO11) seized by the police was given to her by the accused after her SSC examination.

30. The Advocate for the accused in spite of repeated adjournments and convenient dates failed to further cross-examine the victim. Hence, the accused further cross-examined the victim in person. She admitted that her marriage was solemnized on 7/5/2021 with her husband. She denied the suggestion that to conceal the love affair with her husband, she has falsely implicated the accused and performed the marriage before attaining the majority. She denied that she has lodged the false report against the accused.

31. In view of the birth certificate as well as SSC certificate of the victim her date of birth is 22/08/2003. The date of marriage as revealed by the victim is 7/5/2021. Admittedly, the accused is behind bars since 15/07/2019. Thus, at the time of her marriage the victim was only aged 17 years 8 months and 21 days and has not attained age of majority.

32. In view of the above testimony of the victim and the nature of the cross-examination, it is to be seen whether the allegations by the victim are only for the sake of allegations or there is some truth in the same and it is

corroborated by some evidence. In such circumstances the medical evidence plays a vital role.

33. In corroboration with the testimony of the victim the prosecution has examined Dr. Khochikar (PW9) Medical Officer (MO) to prove the medical report (Exh.52). He deposed about his presence on 15/07/2019 at Gynecology Department at CPR Hospital, Kolhapur. On that day LPC Singhan from Radhanagri police station has brought the victim for medical examination. He obtained the consent of the victim and recorded history as narrated by her. During history victim has alleged the act of sexual assault by her step father when she was of 7 years of age. Victim further narrated the history of last sexual assault by her step father prior to 20 days of lodging of the report. Victim also narrated about the threatening given by the accused step father. During examination he noted the remarks of the injuries at 5 and 7 O'clock old healed hymenal tag on the person of the victim. He has taken the samples and forwarded it to FSL for examination. He also noted the opinion as 'finding of remote sexual vaginal penetration noted'. During cross-examination Dr. Khochikar has admitted that hymenal tear is because of one or two incident and hymenal tag is because of number of incidents. The hymenal tag shows the period of sexual intercourse might be prior to 4 to 5 days. Dr. Khochikar admits that no injury marks on the person of the victim. Rest of the suggestions are denied by the witness.

34. Considering the testimony of the victim and testimony of the Dr. Khochikar (PW9) M.O. the possibility of sexual assault cannot be ruled out in view of the injuries at the private part of the victim mentioned in the report (Exh.52). Medical Officer clearly admits that the hymenal tag shows the number of incident of sexual assault. Thus, this Court finds a ring of truth in the testimony of the victim about penetrative sexual assault. The history narrated by the victim before the Medical Officer also corroborates the testimony of the victim on the point of penetrative sexual assault by her father.

**As regards testimony of independent witnesses :-**

35. It is the prosecution case that the victim has revealed about the incident to Prithviraj (PW8) and thereafter to Vinayak (PW7). During testimony Prithviraj (PW8) deposed that in the year 2019 accused Dattatray used to do agricultural labour work in their field. Accused along with his family members wanted to reside at Sathegaon and hence accused has asked his father to keep the victim at his house till completion of her 10<sup>th</sup> examination. Till the completion of SSC examination, victim has stayed in his house for about two months. Thereafter victim went to village Katayani along with accused. Meantime victim has made call to him and narrated about the incidents committed by the accused with her. After learning about the incidents he suggested her to lodge a report against the accused. He deposed about recording of statement before JMFC Radhanagri.

During cross-examination Prithviraj (PW8) has admitted that after learning about the incident he has not reveal about the same to his parents and that he has not made any complaint to any Police Patil or Police Station. He further admitted that prior to the present revelation, victim has not called him on phone. Rest of the suggestions given by the accused were denied by this witness.

36. As per the prosecution case, the computer teacher of the victim, Vinayak (PW7) is also the important witness as regards the revelation of incident. Vinayak (PW7) during testimony deposed that, in the year 2019, he used to work as teacher in MJM Computer, Kolhapur. Victim has got admission in computer batch for April 2019 to June 2019. In all six students including three girls were in said batch. During class hours, victim used to stay alone and not interact with anyone. On enquiry, victim has revealed about the sexual assault committed by accused since fifth standard. The victim also revealed to him about the incident of penetrative sexual assault when she was studying in 9<sup>th</sup> standard by the accused. After learning this, he suggested her to lodge report at police station. He stated about the fact of recording statement before JMFC, Radhanagari.

During cross-examination, Vinayak (PW7) admitted that, he enquired with the victim when there was no other student in the class. He admitted that, after learning about incident, he has not made any complaint to Police Patil and

that he has not made enquiry with other girls of class about revelation of incident by victim to them. The victim has revealed about the incident to him after about one and half month of attending class. Rest of the suggestions are denied by the witness.

37. Considering the testimony of the above independent witnesses, it is clear that, the victim has revealed about the incident to both witnesses. Prithviraj (PW8) is the son of landlord where the victim's stepfather-accused used to work and Vinayak (PW7) is the teacher who used to teach the victim. Both these witnesses are neither closely connected with the victim, nor they are her friends. They are the independent witnesses. The testimony of both witnesses is in consonance with the victim's testimony as regards the alleged incident. The victim thought it proper to express her sorrow before her friend Prithviraj and teacher Vinayak, instead of her mother, as she trust more on them. It is the choice of the victim before whom she expresses her feelings of sorrow. It cannot be said that, the victim has to express her feelings only before her mother or close relative. Therefore, merely on this ground, it cannot be said that the testimony of victim is untrustworthy. The testimony of these witnesses stands corroborated by their previous statements u/sec. 164 of Cr.P.C. The accused has failed to bring on record any enmity with these witnesses so as to depose false against him. I do not find any reason to disbelieve the testimony of these two independent witnesses.

**As regards letter/chits :-**

38. It is the case of the prosecution that, after being fade up with the behaviour of the accused/step father, victim has expressed her sorrow on a chits/note book pages (Exh.40). During testimony, the victim has revealed about writing of chits and its seizure by police officer. To prove the chits and its handwriting the prosecution has examined handwriting expert Shri. More (PW10). During his testimony the expert deposed that, his office has received letter from S. P. Kolhapur containing sealed packets on 18/09/2019. On 01/10/2021, he has started the examination of documents. After comparing and examining the disputed handwriting with specimen and natural handwriting with help of scientific aids and microscope in different lightning conditions, he opined that, author of all the three writing (disputed, specimen and natural) is one and the same. Accordingly, he submitted his opinion vide report Exh. 62.

During cross-examination, this witness has admitted that, the police has supplied the documents as per their demand and handwriting of any student would differ from class to class as it develops according to age. He also admits that, the disputed document does not mention any date. By way of this suggestions, the defence is trying to bring on record that, alleged chits were written afterthought with intention to implicate the accused and to increase the gravity of offence. The contents of the chit only reveal the mind of the victim and her conduct prior to

lodging of the report. However, it is nowhere contention of the defence that the writings are not that of the victim. Hence, this Court has no doubt that the same is written by the victim after her SSC examination.

39. The prosecution has also examined Aadesh Kadam (PW2) to prove the seizure of chits. On 06/07/2019 he was called at Radhanagari police station. On that day, victim has produced chits of 7 to 10 pages of note book which were seized by the police. Accordingly, seizure panchanama was conducted vide Exh. 21. He identified the chits MO1. He deposed that the police has conducted the seizure panchanama of mobile (MO11) produced by victim vide Exh. 22. On the same day, victim produced her notebook containing English and Devnagari handwriting vide Exh.23.

During cross-examination, witness admits that, the chits presented by victim does not bear her signature and that victim has produced the mobile (MO11) from the custody of Superintendent of Children's home. Merely non mentioning of the date on chits (Exh.40), it cannot be inferred that, the alleged chits were written as an afterthought, if it had been so, the alleged chits would contain serious allegations by exaggeration of facts. From the testimony of Aadesh (PW2) it is clear that, the documents were properly seized and sealed and there was no tampering.

The defence has relied on the ratio laid down in *Kamalkkan case cited supra* wherein it is held that,

conviction cannot be sustained solely on uncorroborated expert testimony as handwriting analysis is imperfect science. In the present case, the testimony of the handwriting expert is well corroborated with the testimony of the victim and documentary evidence on record. Moreover, the conviction of the accused is not merely based on the documentary evidence. It is only used for a collateral purpose and previous statement of the victim to corroborate or contradict the victim. Therefore, the citation is not helpful to the defence. Thus, this Court has no hesitation to hold that, the victim has expressed her sorrow and feelings on chits (Exh.40).

**As regards the spot panchanama :-**

40. As per the prosecution case, the accused has committed the alleged acts with the victim at three places i.e. village Cha\*\*\*, Sak\*\* and village Katayani. To prove the alleged spots, the prosecution has examined Jr. Clerk Sagar Chavan (PW3). He deposed that, on 06/07/2019 Radhanagari police has called him. Accordingly, he alongwith police staff and victim went to village Cha\*\*\*. Victim showed the spot i.e. RCC house constructed in field. Thereafter, victim took them to village Sak\*\* and showed second spot i.e. house constructed in Cheera bricks situated in field. Thereafter victim took them to village Katayani and showed the spot i.e. house situated in field of one Patil. Accordingly, police conducted the running spot panchanama (Exh.26).

During cross-examination, witness has admitted that, their office is having movement register and while leaving the office they have make entry in said register. Victim has narrated about the date of alleged incident, but he does not recollect said date. He admits that, adjoining houses are situated at the relevant spots. Rest of the other suggestions were denied by the witnesses.

41. Considering the above testimony, it is clear that, the spot is the house situated in field at different villages. The testimony of the victim corroborates with the contents of the spot panchanama (Exh.26). Therefore, it can be said that, the prosecution has proved the spot panchanama through the testimony of the victim and panch witness Sagar (PW3).

**As regards seizure of cloths:-**

42. The prosecution has examined Bandopant Kamble (PW1) to prove the seizure of cloths of the victim and accused on 07/07/2019. Accused produced cloths in his presence. He identify the cloths of accused MO2 to MO5. Accordingly, police seized said cloths vide panchanama (Exh.17). Thereafter, on 16/07/2019, police seized cloths of the victim in his presence vide panchanama (Exh.18). He denied the adverse suggestions as regards the seizure panchanama (Exh.17 and Exh. 18).

**Testimony of land owners:-**

43. The prosecution has examined Dhanaji Bachankar (PW4) and Madhukar Chougale (PW5) in whose field the accused used to work as labour and used to reside in house in the field and accused used to work in their field. Accused used to reside in house situated at field along with his family. Dhanaji (PW4) also deposed that accused has taken advance of Rs. 1 Lakh from him and was repaying it by doing their agriculture work.

44. Testimony of both the witnesses is supportive to the prosecution case that, the accused along with family used to reside in the house in their field and used to work in their field.

**As regards abuses and criminal intimidation :-**

45. The victim has nowhere alleged in the report or in her testimony before this court about the actual abusive words used by the accused against her. However, as regards criminal intimidation and threats given by the accused the victim during her substantive testimony has categorically stated the threats given by the accused, due to which she could not reveal about conduct of the accused even to her mother. Though victim was a child she has tolerated the pains given by the accused silently, even without informing her mother. Hence, this Court finds it proper to acquit the accused u/sec. 504 of the IPC and finds him guilty u/sec. 506 of the IPC.

**Conclusion :-**

46. The testimony of the victim stands corroborated with the testimony of Prithviraj (PW8), Vinayak (PW7) on point of revelation of incident. During testimony victim has categorically deposed about the incidents occurred with her. She expressed woes suffered by her by way of chits. Though it does not specifically speaks of sexual harassment, but there is reference about the penetrative sexual assault committed by the accused from time to time. Her testimony as regard repeatedly penetrative sexual assault stands well corroborated by the medical evidence and her previous statement U/Sec. 164 of Cr. P. C. on all material particulars. The defence put forth by the accused of false implication by the victim throughout his cross-examination and also in Statement U/Sec. 313. does not seems to be probable as nothing more has been brought on record to impeach the veracity of the victim. So also, he has failed to show that as to why the victim would falsely implicate him. The nature and extent of the injuries sustained by the victim rule out the probability of false implication of the accused. The defence has failed to bring on record that during the relevant period victim was having any intimate relationship with her present husband or any other person to be responsible for the tags on her private part. Victim's testimony is also corroborated by spot panchanama, testimony of other witnesses. The defence has relied on the ratio laid down in case of ***Birad Mal Singhavi (cited supra)*** wherein it was held that, merely

exhibiting the documents vis. Extract of school record, mark list and certificate of education board, does not prove its contents. However, in present case, the prosecution has duly proved the date of birth of the victim through the testimony of Shivraj Patil (PW12) Head Master of school. Therefore, the ratio laid down in above cited case would not be applicable to the case in hand.

47. Minor discrepancies and admissions given by the victim, does not go to the root of the case and is not sufficient to shatter or disbelieve the entire prosecution case. This Court has to examine the broader probabilities of the case and not the insignificant discrepancies in the testimony of witnesses which are not of fatal nature to throw out otherwise reliable prosecution case.

48. Thus, I find ring of truth in the prosecution case. The prosecution has proved its case beyond reasonable doubt and accused has failed to discharge his burden by rebutting the presumption U/Sec. 29 and 30 of POCSO Act. His defence of false implication is not reliable and sufficient to doubt the prosecution case. There is no consistency in the defence of the accused and he has tried to take various defences. Accused has failed to show his innocence even by preponderance of probability. Thus, this Court hold the accused guilty for the offences punishable U/Secs. 376 (2) (f) (n), 506 of the IPC and U/Sec. 4 r/w. 3 (a), 6 r/w. 5 (1) (n) of POCSO Act. However, the accused stands acquitted for the offence pun. u/sec. 8 r/w. section 7

of the POCSO Act and u/sec. 504 of the IPC. Hence, I answer the point Nos. 2 to 5 accordingly. Here, I stop for hearing accused Dattatraya G\*\*\* on the point of sentence for the above offences.

Date : 08/05/2026.  
Kolhapur.

**(Smt. Kavita B. Agrawal)**  
Special Judge, Kolhapur.

49. Ld. Adv. Shri. Ghorpade for the accused has argued that accused is behind bars from last 6 years 10 months. Accused is sole bread earner and has no previous criminal antecedents. Hence, he prayed to take lenient view while imposing sentence. Accused Dattatraya G\*\*\* submitted that his parents are dependent on him and he also maintains his second wife/victim's mother and brother. No complaint of Jail authority as regards adverse conduct of the accused is received till today since his incarceration from 05/07/2019. His family has no source of income and hence prayed for leniency. It is argued by Shri. Ghorpade Ld. LADC that, the amendment to provisions U/Sec. 4 and 6 of POCSO Act came into force after 16/08/2019 and the offence is registered on 05/07/2019, therefore, provision prior to amendment would be applicable to the present case. He lastly submitted to take lenient view while imposing sentence.

50. Ld. APP Smt. P. J. Jadhav has submitted that, the victim has suffered the harassment of the accused since she was in 5<sup>th</sup> standard. The future of the victim has

collapsed due to said incident. The victim was having great trauma and she has to carry all such pains throughout her life. The accused has degrade the sacred relation of father and daughter. The tendency of the person like accused needs to be curbed. Serious message needs to be given to the society by punishing such type of offenders by imposing maximum punishment i.e. imprisonment for life.

51. In view of submissions of both sides, it is pertinent to note here that, the accused Dattatraya is the stepfather of the victim. The testimony of victim is trustworthy and reliable. The defence has relied on the case of *Satauram Mandavi cited supra*, wherein it is held that, there is Constitutional bar against the retrospective imposition of harsher penalty under Art. 20 (1) and it is clear and absolute. However, on 20/04/2018, there was amendment in sub clause 3 of Sec.376 of IPC and the last incident of sexual assault has occurred on 25/06/2019 and the offence was registered on 05/07/2019, therefore, the effect of amendment in Sec. 376 of IPC can be applied to the present case. As per said amendment, if the offence of rape is committed with girl below aged of 16 years then the punishment shall not be less than 20 years. However, the effect of amendment in POCSO Act dt. 16/08/2019 to Section 4 and 6 would not be applicable retrospectively. Thus, the ratio laid down in case of *Satauram* would not be applicable to present case.

The tendency of person like accused needs to be curbed by imposing adequate punishment. It ultimately

gives proper and right message in the society. The main object of POCSO Act is to safeguard the interest of child, who is unable to speak about its grievance like ordinary prudent person. The offence u/sec. 376 sub clause (3) of the IPC provides punishment not less than 20 years which may extend to imprisonment for life that means remainder of natural life. Considering the age of the accused, nature of the evidence brought on record, the dependency of the accused and his subsequent conduct this is not a fit case to impose maximum punishment provided under Section 376 (3) of the IPC. Hence, this Court is persuaded to take lenient view and award minimum punishment provided in the Act i.e. twenty years and the same would be just and proper.

52. In view of Sec. 42 of the POCSO Act, where the act or omission constitutes an offence punishable under this Act and also U/Sec. 376 of IPC, if the offender is found guilty of such offence he shall be liable to punishment under this Act or under the Indian Penal Code as provided, for punishment which is greater in degree. Section 4 and Section 6 of the POCSO Act prior to the amendment dt. 16/08/2019 provides punishment of rigorous imprisonment not less than ten years which may extend to imprisonment for life and fine. However, the punishment provided u/sec. 376 (3) of the IPC is greater in degree and is applicable to the present case at the time of incident. Hence, it would be just and proper to impose punishment of rigorous imprisonment of twenty years under Section

376 sub clause (3) of the IPC. Thus, the accused is sentenced for the punishment greater in degree. Hence, there is no need to pass separate sentence U/Sec. 4 and 6 of the POCSO Act. Hence, accused is sentenced only U/Sec. 376 (3) of the IPC.

**Disposal of Muddemal :-**

53. Muddemal object Nos. 2 to 9 are the cloths of the accused and victim, being worthless are required to be destroyed after one year after expiry of appeal period.

Muddemal object Nos. 1 and 10 are the notebooks of victim, required to be destroyed after one year after expiry of appeal period.

Muddemal object No. 11 Micromax mobile, required to be returned to its registered owner after expiry of appeal period.

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

54. In the present case, an innocent child become the victim of accused-step father lust which shows the grave mental depravity. This incident will have a devastating effect on the child's psychology and emotional well-being. In view of my findings to point Nos.1 to 5, prosecution has proved the case of rape and aggravated sexual assault on the minor victim beyond reasonable doubt and hence accused is required to be convicted.

As per the inputs received from DLSA Kolhapur the victim in the present case has been awarded compensation of Rs. 1,50,000/- subject to judgment in this case. As the

victim has supported the prosecution case and her testimony is found to be reliable and trustworthy she is entitled for the compensation as awarded to her. Hence, I answer this point accordingly and pass the following order.

– ORDER –

1. Accused **Dattatraya B\*\*\* G\*\*\*** is hereby held guilty for the offences punishable 376(3) and 506 of the IPC and U/Sec. 4 r/w. 3 (a), 6 r/w. 5 (1) (n) of the POCSO Act, 2012.
2. The accused **Dattatraya B\*\*\* G\*\*\*** is hereby convicted under Section 235 (2) of the Code of Criminal Procedure for the offence punishable U/Sec. Sec. 376 (3) of the IPC and sentenced to suffer rigorous imprisonment for **Twenty years** and to pay fine of **Rs.3,000/-** (Rs. Three Thousand only), in default, sentenced to suffer simple imprisonment for three (3) months.
3. In view of Sec. 42 of POCSO Act, as the accused is sentenced U/Sec. 376 (3) of the Indian Penal Code, there is no need to pass separate sentence U/Sec. 4 and 6 of the POCSO Act.
4. The accused **Dattatray B\*\*\* G\*\*\*** is hereby convicted under Section 235 (2) of the Code of Criminal Procedure for the offence punishable U/Sec. Sec. 506 part-I of the IPC and sentenced to suffer simple imprisonment of **six months**.

5. Both the substantive sentences of imprisonment shall run concurrently.
6. The accused **Dattatray B\*\*\* G\*\*\*** stands acquitted u/sec. 235 (1) of Cr.P.C. for the offence punishable u/sec. 504 of the IPC and u/sec. 8 of the POCSO Act.
7. The accused is in jail since 06/07/2019. He shall be given set off for the period of detention already undergone by him i.e. 6 years 10 months 02 days, during investigation and trial against the term of imprisonment imposed on him as per the provisions under Section 428 of Criminal Procedure Code.
8. The accused **Dattatray B\*\*\* G\*\*\*** is informed about his right to appeal.
9. Copy of Judgment be supplied to accused free of costs, as per the provisions of Sec. 363 (1) of Criminal Procedure Code.
10. Muddemal object Nos. 2 to 9 are the cloths of the accused and victim, be destroyed after one year after expiry of appeal period.
11. Muddemal object Nos. 1 and 10 are the notebooks of victim, be destroyed after one year after expiry of appeal period.
12. Muddemal object No. 11 Micromax mobile, be returned to its registered owner after expiry of appeal period. If unclaimed by anyone, be sold in auction and sale proceeds be confiscated to Government.

13. 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.
14. Copy of judgment be sent to the Committee formed by the District Legal Services Authority, Kolhapur, for determination of compensation to the victim as per the provisions of Victim Compensation Scheme for the State of Maharashtra, 2014 and as per Sec. 357-A of Cr. P. C. or as per Manodhairya Scheme.

(Pronounced in open court)

Date : 08-05-2026.  
Kolhapur.

**(Smt. Kavita B. Agrawal)**  
Special Judge, Kolhapur.