

Date of offence	21/08/2022.
Date of FIR	21/08/2022.
Date of Charge-sheet	31/01/2023.
Date of Framing of Charges	08/01/2026.
Date of commencement of evidence	21/02/2026.
Date on which judgment is reserved	13/03/2026.
Date of the Judgment	13/03/2026.
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.	Jivan Sanjay Waghmare	25/08/22	--	U/Ss.363, 376(2) (n), 506 of IPC & U/Secs.4, 6, 12 of the POCSO Act	acquitted	--	--

A. List of prosecution witnesses :

Rank	Name	Exh. Nos.	Nature of Evidence
PW 1	S**** A**** K*****	36	Informant
PW 2	N**** A**** K*****	38	Victim
PW 3	Abjijeet Rajendra Ingale	41	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. 42	Order of PSO, Juna Rajwada Police Stn., dt.21/08/2022.
2.	Exh. 43	Portion Mark 'A' in the statement of Informant.
3.	Exh.44	Portion Mark 'B' in the supplementary statement of Informant.
4.	Exh.45	Birth Certificate.
5.	Exh.46	Crime Details Form.
6.	Exh.47	Letter issued by Juna Rajwada Police Station to Superintendent of Police.
7.	Exh.48	Portion Mark 'A' in the statement of Victim.
8.	Exh.49 & 52	Letter issued by Juna Rajwada Police Station to Medical Officer, CPR Hospital, Kolhapur.
9.	Exh.50	Seizure panchnama of clothes of the victim.
10.	Exh.51	Seizure panchnama of clothes of the accused.
11.	Exh.53	Letter issued by Juna Rajwada Police Station to Sessions Court for addition of section.
12.	Exh.54	Memorandum statement of accused.
13.	Exh.56	Letter issued by Juna Rajwada Police Station to Chemical Analyzer, Kolhapur.

B. Defence exhibit :

Sr.No.	Exh. Nos.	Description.
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C. Court Exhibits :

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D. Material Objects :

Sr. No.	MO/ Article Nos.	Description
1.	MO 1 to MO 4 & 8	Clothes of the victim.
2.	MO 5 to MO 7	Clothes of the accused.

J U D G M E N T**(Delivered on 13th March, 2026)**

1) The accused is tried for the commission of offences punishable U/Secs.363, 376(2)(n), 506 of Indian Penal Code and U/Secs.4, 6, 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 with his family at Sudhakar Joshi Nagar, Sambhajinagar, Kolhapur. The victim N****, i.e. daughter of the informant, aged 17 years 5 months is studied up to 10th standard. On 21/08/2022, the informant was going to her work. At about 2.00 p.m., her daughter informed the informant that the victim was not in home. Thereafter, informant took search of the victim with her friends and

relatives. However, the victim was not traced out. Hence, the informant lodged missing report of the victim.

B) On 25/08/2022, the police found the victim and the accused together, and they inquired with the victim. At that time, in presence of the informant, the victim told the police that on 21/08/2022, he abducted the victim from Sambhajinagar Bus Stand promising to marry her. The accused took the victim at Asurle Porle village and forcibly had physical relations with her.

03) Accused was knowing that victim was a minor. The accused took advantage of her innocence, lured her with the promise of marriage, abducted her, and had physical relations with her. Therefore, the informant lodged FIR against accused being C.R.No.453/2022, at Juna Rajwada Police Station, U/Secs. 363, 376(2) (n), 506 of IPC & U/Secs.4, 6, 12 of POCSO Act.

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

05) The Charge was framed vide Exh.32 for the offences punishable U/Secs. 363, 376(2) (n), 506 of IPC & U/Secs.4, 6,

12 of POCSO Act. The accused denied all allegations and claimed to be tried. The statement of the accused under Section 313 of Cr.PC. was recorded vide Exh.57. Accused denied all the incriminating evidence against him.

06) Heard, Smt.A.A. Kulkarni, learned A.P.P. for the State and Shri.G.K.Naik, Ld. Advocate for accused.

07) 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 accused, on 21/08/2022, at about 2.00 p.m., from the house of informant, situated at Sudhkar Joshi Nagar, Kolhapur, kidnapped minor victim, aged 17 yrs., 5 months and thereby committed an offence punishable U/Sec.363 of IPC ?	.. No.
2.	Does prosecution prove that, on the aforesaid date at village Asurle Porle, Tal. Panhala the accused repeatedly committed rape on minor victim, aged 17 yrs., 5 months, incapable of giving consent and thereby committed an offence punishable U/Sec. 376(2)(n) of IPC ?	.. No.
3.	Does prosecution prove that, on the aforesaid day, date, time and place, the accused the accused committed criminal intimidation by threatening victim, aged 17 yrs., 5 months, to marry with him with intent to cause her and thereby committed an offence punishable U/Sec.506 of IPC ?	

4. Does prosecution prove that, on the aforesaid date, time and place, accused committed penetrative sexual assault on minor victim, aged 17 yrs., 5 months and thereby committed an offence punishable U/Sec. 4 of POCSO Act ? .. No.
5. Does prosecution prove that, on the aforesaid date, time and place, accused committed penetrative sexual assault on the minor victim repeatedly, aged 17 yrs., 5 months and thereby committed an offence punishable under Section 6 of POCSO Act ? .. No.
6. Does prosecution prove that, on the aforesaid date, time and place, accused committed sexual harassment of the minor victim, aged 17 yrs., 5 months and thereby committed an offence punishable U/Sec. 12 of POCSO Act ? .. No.
7. What Order ? As per final order.

- REASONS -

As to Point Nos.1 to 6 :

08) The case of the prosecution is mainly based on the evidence of the informant (PW1) and victim (PW2). However, they have not supported the prosecution case. The prosecution has closed its evidence by filing pursis vide Exh.56.

09) PW 1, S**** (informant) i.e. mother of the victim has deposed vide Exh.36 that in 2022, she was residing along

with her family at Sudhakar Joshi Nagar, Sambhajinagar. The victim's date of birth is 21/08/2022. On 21/08/2022, her daughter left home due to anger, so that the informant lodged missing complaint at Juna Rajwada Police Station. The complaint dtd.21/08/2022 shown to the informant, she identified her signature on it. After four days the victim was found. The victim told to her mother that she was at her friend's home. She denied that her daughter told her that the accused has abducted her and kept forcibly physical relations with her. As the PW1 (Informant), not supported the case of the prosecution, the Ld. APP cross-examined the informant, however, nothing has come on record which would take further the prosecution case.

10) The victim (PW1) deposed vide Exh.14 that, in the year 2022, she was residing at Sudhakar Joshi Nagar, Sambhajinagar along with her mother and sisters. In 2022, she was studying in 11th standard. She does not know what happened on 21/08/2022. She denied that on that day, accused kidnapped her and had physical relations with her. 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 denied that the accused kidnapped her and had physical relations with her. The victim deposed that she did not state Portion Mark 'A' of her statement to the police. She further

admitted that her marriage was solemnized with one Akshay Kambale.

11) PW 3, Abhijeet Ingale, Investigating Officer deposed vide Exh.41 that he investigated the CR No.453/2022 as per order of PSO (Exh.42). Police Naik Gavali has recorded the Portion mark 'A' (Exh.43) in the statement of informant as per her say. He knew the signature of Police Naik Gavali. PW 3 recorded the Portion mark 'B' (Exh.44) in the supplementary statement of informant as per her say. He obtained birth certificate of the victim and conducted spot panchnama (Exh.46). PW 3 (IO) issued letter (Exh.47) to Superintendent of Police for call details. Mrs.Priyanka Wakale, WPC has recorded the portion mark 'A' (Exh.48) in the statement of victim as per her say. PW 3 knew the signature of Mrs.Priyanka Wakale. He also issued letter (Exh.49) to CPR Hospital for medical examination of the victim. PW 3 seized the clothes of victim and the accused by preparing seizure panchnamas (Exh.50 & 51). PW 3 recorded the memorandum statement of accused (Exh.54). He recorded the statements of witnesses and sent the victim and informant for recording statement U/Sec.164 of Cr.PC. before the Ld. Magistrate. 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 and informant have not alleged any overact on the part of accused. Thus, no offence of rape, 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 kidnapped, committed criminal intimidation by threatening victim and committed penetrative sexual assault on the minor victim. As, there is no iota of incriminating evidence against the accused to show any overt act on his part, the offences leveled against accused cannot be established. Hence, it is necessary to acquit the accused in the said case.

14) Thus, the prosecution has failed to prove the charges levelled against accused U/Secs.363, 376(2)(n), 506 of Indian Penal Code and U/Secs.4, 6, 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 6 in the negative.

As to Point No.7 :-

15) The prosecution has miserably failed to establish the offence against the accused. In the result, accused is entitled for acquittal. Hence, following order.

ORDER

(1) Accused – **Jeevan Sanjay Waghmare**, is hereby acquitted under Section 235 (1) of the Cr.P.C. for the

offences punishable U/Secs.363, 376(2)(n), 506 of Indian Penal Code and U/Sec.4, 6, 12 of the Protection of Children from Sexual Offence Act, 2012.

(2) Bail bonds of accused stands cancelled.

(3) The Muddemal Article, MO 1 to MO 4 & 8 i.e. the clothes of the Victim and Sr.No.5 & 7 i.e. the clothes of the accused be destroyed after expiry of appeal period.

(4) The accused shall execute bail bond under Section 437-A of the Code of Criminal Procedure, in the sum of Rs.10,000/- 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.P.C. The District Magistrate, Kolhapur shall submit compliance report to this Court.

(6) Special Case No.219/2022 stands disposed of.

(Pronounced in open Court).

Date :- 13/03/2026

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