

MHNS010045492022



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Decided on : 11 03 2026

Duration : YY MM DD

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Exh. No. : 40

PART 'A'

<u>IN THE COURT OF SPECIAL (POCSO) JUDGE, NASHIK, AT NASHIK</u>	
<u>(PRESIDED OVER BY JAIRAJ D.WADNE)</u>	
Date of Judgment	: 11-03-2026
SPECIAL (POCSO) CASE NO. 163 OF 2022	
Details of FIR / Crime and Police Station	: Crime no. 301/2022 of Ambad Police Station, District Nashik for the offence punishable under sections 376(2)(n), 504, 506 of Indian Penal Code, 1860 and Sections 4, 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012.
Complainant	: The State of Maharashtra, Through – Ambad Police Station, Nashik
Represented by	: Shri.S.H.Sonawane, learned APP for the state
Accused	: Ajit Chandrakant Bhor, Age 23 years, Occu. Labour,

	R/o. Aahurli, Post - Sanjegaon, Taluka - Igatpuri, District - Nashik.
Represented by	: Mr. Samir Inamdar Advocate for the accused.

Part 'B'

Date of Offence	: From 2020 to 24.06.2022
Date of FIR	: 25.06.2022
Date of Charge-sheet	: 24.08.2022
Date of Framing of Charges	: 20.09.2022
Date of commencement of evidence	: 18.11.2025
Date on which Judgment is reserved	: --
Date of the Judgment	: 11.03.2026
Date of the sentencing order, if any	: --

ACCUSED DETAILS

Rank of the accused	Name of accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of Sec. 428 of Cr. P. C.
A1	Ajit Chandrakant Bhor	25.6.22	-	U/Sec. 376(2)(n), 504, 506 IPC & Sec. 4, 6, 8, 12 of POCSO Act, 2012.	Acquitted	As per final order	-

PART 'C'

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**A] PROSECUTION :-**

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
PW1	Victim	Victim
PW2	Victim's mother	Mother of victim
PW3	Nahid Aziz Shaikh	Investigating officer

B] DEFENCE WITNESSES, IF ANY :-

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
	Nil	

C] COURT WITNESSES, IF ANY :-

<u>Rank</u>	<u>Name</u>	<u>Nature of evidence</u> (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
	Nil	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A] PROSECUTION :-**

<u>Sr. No.</u>	<u>Exhibit number</u>	<u>Description</u>
1	13	Statement of victim U/sec. 164 of Cr.PC.
2	18	Report
3	19	Printed FIR
4	20	Statement of mother of victim U/sec. 164 of Cr.PC.
5	22	Written order of investigation
6	23	Letter to Medical Officer for examination of victim
7	24	Letter to Medical Officer for examination of accused
8	25	Muddemal receipt
9	26	Letter to FSL in respect of muddemal

B] DEFENCE (Admitted documents) :-

<u>Sr. No.</u>	<u>Exhibit number</u>	<u>Description</u>
1	27	Medical report
2	28 to 32	Examination report from RFSL
3	33	Medical report
4	34 & 35	Spot panchanama
5	36 & 37	Seizure panchanama

C] COURT EXHIBITS :-

<u>Sr.</u>	<u>Exhibit number</u>	<u>Description</u>
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No.		
1	Nil	Nil

D] MATERIAL OBJECTS :-

<u>Sr. No.</u>	<u>Material Object Number</u>	<u>Description</u>
1	V1	one black color Brasier
2	V2	one blue color short sleeve
3	V3	one blue color nicker
4	V4	one almond color leggings
5	V5	one red color kurta
6	A1	one green color shirt
7	A2	one black color pant
8	A3	one gray color underwear

J U D G M E N T

[Delivered on 11-03-2026]

1] The accused is facing trial for offence punishable under sections 376(2)(n), 504, 506 of Indian Penal Code, 1860 and Sections 4, 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012.

Prosecution's case in brief is as follows :-

2] Informant is a victim. She alleges that when they residing at Aahurli village accused was their neighbour. He used to meet victim and fell in love with her. Said facts became known to villagers also. The parents of victim tried to convince accused but

accused assaulted to her husband and father in-law by means of stone and abused them. Thereafter, they left the said village and on 04.04.2022 they shifted residence to Nashik. Even thereafter also, accused used to make phone call to victim and meet her. After this victim informed that, from 2020 at many times accused under the pretext of marriage, had physical relationship with her in ground behind the Aahurli Primary School and near the water tank in night. Therefore, informant had lodged report at Ambad Police Station.

3] On this report, crime bearing no. 301/2022 was registered at Ambad Police Station, Nashik and investigation was carried out. Spot panchanama was prepared. Statements of witnesses were recorded. According to his investigation, accused having knowledge that, victim was minor, under the pretext of marriage, repeatedly committed penetrative sexual assault on victim. Investigating officer also got recorded statement of the victim under Section 183 of BNSS. Thereafter, charge sheet is filed.

4] As charge-sheet is filed in this Special Court, charge was framed by my learned predecessor below Exh.6. Accused denied the charges and claimed trial. As stated above prosecution examined three witnesses. Accused did not depose on oath nor examined defence witness.

5] Heard learned APP Mr.S.H.Sonawane for prosecution

and learned Adv. Shri. Samir Inamdar for accused.

6] Following points arise for my determination and I have decided each of the point with my reasoning hereinafter is as follows.

<u>POINTS</u>	<u>FINDINGS</u>
[1] Does the prosecution prove that from 2020 at various time and at various places at Aahurli village, Post Sanjegaon, Taluka Igatpuri, District Nashik accused repeatedly committed rape on victim, a minor girl and thereby committed an offence punishable under section 376(2)(n) of IPC?	No.
[2] Does the prosecution prove that during the aforesaid period and places accused intentionally insulted the informant and her relatives and thereby gave provocation to them intending that such provocation would cause them to break public peace or to commit any other offence and thereby committed an offence punishable under section 504 of IPC?	No.
[3] Does the prosecution prove that, during the aforesaid period and places accused threatened the informant and her relatives with injury to their life with an intent to cause alarm to them and thereby committed an offence punishable under section 506 of IPC?	No.
[4] Does the prosecution further prove that,	

during the aforesaid period and places, accused committed penetrative sexual assault on the victim, a minor girl and thereby committed an offence punishable under section 4 of Protection of Children from Sexual Offences Act, 2012?

No.

[5] What order?

As per final order

REASONS

AS TO POINT NOS. 1 TO 4 :

7] Heard learned APP Mr. Sonawane and learned advocate for accused.

8] PW1 is the victim. She deposes that, prior to the year 2022 she along with her parents was residing at Aahurli village and she was in 7th standard. Accused was also resident of their village. She deposes that, incidence of forceful physical penetrative assault had not occurred near water tank or near primary school. Victim did not support prosecution. Ld. APP cross-examined her at length. She has denied all the suggestions. She deposes that, as on today she resides with accused at said village, they have performed marriage. According to her, her parents are not in talking terms as she has married with accused.

9] PW2 is the mother of the victim, she deposes that victim has married with the accused, they have a child. She deposes that, when she learnt about love relationship of accused and victim, her husband had given him understanding but accused raised quarrel and assaulted her father-in-law. She deposes about her report lodged and statement given to Ld. Magistrate. In the cross-examination she deposes that, as accused is from different caste, relationship of victim and accused was opposed. She admits that, prior to one year victim got married with the accused.

10] PW3 Nahid Shaikh is the Investigating Officer who had investigated the crime. According to him, victim was referred for medical examination, he recorded statements of witnesses, visited the spot and prepared spot panchanama, He deposed about securing birth certificate of the victim, forwarding seized clothes to FSL. He collected medical examination report. In the cross-examination, he showed ignorance to the fact that at present victim and accused are married and they have a child.

11] Prosecution closed its evidence vide pursis Exh.38. Statement of accused under section 351 of BNSS is recorded below Exh.39.

12] Accused admits medical report, examination report from RFSL, spot panchanama and seizure panchanama. Admittedly,

in cross-examination victim admits that they going to marry after completing her 18 years of age and she has no grievance against the accused.

13] Case of the prosecution is that, accused having knowledge that victim was minor, involved in physical relationship with her and thereby committed the offence punishable under section 376(2)(n) of IPC and under sections 4 of POCSO Act, 2012. As stated above, it is admitted fact that, victim and accused have performed marriage. It be noted that, victim deposes about having love relationship with accused as she was in love with him. Evidence of victim and her mother show that, victim and accused fell prey for sexual desires due to love relationship amongst them. Not only this, victim and accused have performed marriage and they have a child.

14] Even if the statement recorded by learned Magistrate of victim at Exh.13 is considered, then, no where there are allegations of accused forcibly committing penetrative sexual assault. Before learned Magistrate, victim stated that, as accused abused her father, report was lodged.

15] In view of such evidence, the fact that, accused forcibly committed sexual penetrative assault, is not proved. Due to love relationship, in tender age, victim and accused involved in physical

relationship, now they are married having a child. In such circumstances, it cannot be said that, there was forceful sexual penetrative assault on victim. There is no evidence about sexual harassment of victim. In the decision of Vijayalaxmi Vs. State, Criminal OP No.232/2021 Hon'ble Madras High Court has laid down law regarding teen agers love affairs and they falling prey to their sexual desires.

16] Evidence on record of the prosecution witnesses, does not prove the fact of forceful sexual assault. Hence, the fact that, accused committed penetrative sexual assault on minor victim, is not proved. The fact that, accused caused sexual harassment and forceful penetrative assault on victim is not proved. I answer the point nos. 1 to 4 in the negative.

AS TO POINT NO.5 :

17] Prosecution has failed to prove its case beyond reasonable doubts. PW1 victim in her oral evidence states about she and accused having decided to perform marriage. She does not depose about any forceful act on part of accused. The case of the prosecution is not proved due to the testimony of victim and her father. When victim and accused have decided to perform marriage and even a mutual agreement is executed, accused cannot be punished. If accused is punished, the victim will be sufferer. Victim and accused fell in love and now they are going to get lawfully

married. In such circumstances, the substantial evidence on record has to be considered. This evidence does not disclose about forceful penetrative assault on victim. Hence, charges framed are not proved. In such circumstances, accused is entitled to be acquitted. Hence, I pass following order :-

ORDER

- [1] Accused **Ajit Chandrakant Bhor** is hereby acquitted vide section 258(1) of BNSS, 2023 for the offence punishable under sections 376(2)(n), 504, 506 of Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offences Act, 2012.
- [2] The bail bonds of the accused stands canceled.
- [3] The accused do comply section 481 of BNSS, 2023 by executing P. B. and S. B. of Rs.15,000/-.
- [4] Seized muddemal i.e. one black color brasier, blue color short sleeve, blue color nicker, almond color leggings, red color kurta, green color shirt, black dolor pant and gray color underwear being worthless, be destroyed as per rule, after expiry of appeal period.

(Jairaj D.Wadne)

Date : 11-03-2026

Special (POCSO) Judge, Nashik.