

MHNS010069182024



Received on : 23 09 2024

Registered on : 23 09 2024

Decided on : 11 03 2026

Duration : YY MM DD

01 05 18

Exh. No. : 28

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. 258 OF 2024	
Details of FIR / Crime and Police Station	: Crime no. 165/2024 of Igatpuri Police Station, District Nashik for the offence punishable under section 363 of Indian Penal Code, section 69 of BNS, Section 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012 and sections 3(1)(w)(i)(ii), 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act, 1989.
Complainant	: The State of Maharashtra, Through – Igatpuri Police Station, Nashik
Represented by	: Shri.S.H.Sonawane, learned APP for the state

Accused	:	Rohan Ankush Shingole, Age 20 years, Occu. Labour, R/o. Titoli, Taluka - Igatpuri, District - Nashik.
Represented by	:	Mr. A. I. Deshmukh Advocate for the accused.

Part 'B'

Date of Offence	:	25.6.2024 to 29.06.2024
Date of FIR	:	29.06.2024
Date of Charge-sheet	:	21.09.2024
Date of Framing of Charges	:	17.10.2025
Date of commencement of evidence	:	04.02.2026
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	Rohan Ankush Shingole	23.7.24	-	U/sec. 363 IPC, Sec.69 BNS, Sec. 6, 8, 12 o POCSO Act & Sec. 3(1)(w) (i)(ii), 3(2)	Acquitted	As per final order	-

				(v) of Atrocity Act.			
--	--	--	--	----------------------	--	--	--

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's mother	Mother of victim
PW2	Victim's father	Father of victim
PW3	Victim	Victim
PW4	Kanchan Pandurang Bhojne	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	07	Report
2	08	Printed FIR
3	15	Statement of Victim U/sec. 183 of BNSS
4	21	Written order of investigation
5	22 & 23	Muddemal receipts
6	24	Letter to FSL
7	25	Caste certificate of victim

B] DEFENCE (Admitted documents) :-

<u>Sr. No.</u>	<u>Exhibit number</u>	<u>Description</u>
1	10 & 11	Arrest panchanama
2	12	Spot panchanama
3	16	Birth certificate of victim
4	17 & 18	Seizure panchanama
5	19	School leaving certificate of victim

C] COURT EXHIBITS :-

<u>Sr.</u>	<u>Exhibit number</u>	<u>Description</u>
------------	-----------------------	--------------------

No.		
1	Nil	Nil

D] MATERIAL OBJECTS :-

<u>Sr. No.</u>	<u>Material Object Number</u>	<u>Description</u>
1		

JUDGMENT

[Delivered on 11-03-2026]

1] The accused is facing trial for offence punishable under Section 363 of Indian Penal Code, 1860, section 69 of Bhartiya Nyaya Sanhita, 2023, Sections 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012 and sections 3(1)(w)(i)(ii), 3(2)(v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act, 1989.

Prosecution's case in brief is as follows :-

2] Informant is mother of victim. On 25.06.2024 at about 9:00 am victim told her that she will come back from college and left the house but did not returned back. Victim was searched, but she was not found. Hence, on 29.06.2024 missing report was lodged by the informant that unknown person had kidnapped the victim. Further, it is case of the prosecution that, after that, victim was found and she disclosed that, she and accused went to the house of sister of accused namely Vandana Ubale at Nerul, stayed

there and had physical relation for 2 to 3 times. According to prosecution, accused having knowledge that victim is minor, engaged in physical relationship with her.

3] On this report, crime bearing no. 165/2024 was registered at Igatpuri Police Station, District Nashik and investigation was carried out. Spot panchanama was prepared. Statements of witnesses were recorded. According to her 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 below Exh.2. Accused denied the charges and claimed trial. As stated above prosecution examined 4 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. A.I.Deshmukh for accused.

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

POINTS**FINDINGS**

- [1] Does the prosecution prove that on or between 25.06.2024 to 29.06.2024 at Juna Gavatha, Igatpuri and at Nerul Sector No.20 in the house of Vandana Ubale accused committed rape on a victim (minor girl) who is under sixteen years of age and thereby committed an offence punishable under section 65(1) of BNS ? No.
- [2] Does the prosecution further proves that during the aforesaid period and places accused kidnapped a victim from the lawful guardianship of her parents and thereby committed an offence punishable under section 137(2) of BNS? No.
- [3] Does the prosecution further prove that, during the aforesaid period and places, accused committed aggravated penetrative sexual assault on victim, committed sexual harassment and thereby committed an offence punishable under sections 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012? No.
- [4] Does the prosecution further prove that, during the aforesaid period and places, accused not being the member of SC & ST, committed rape and aggravated penetrative sexual assault on a victim girl who belongs to the caste of Mahadeo Koli (Scheduled Tribes) and thereby committed an offence punishable under section 3(1)(w)(i)(ii) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act, 1989? 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 mother of victim. According to her, victim was studying in KPG College and her birth date is 04.06.2007. On 25.06.2024 victim went to college. However, till 2:00 pm she did not returned back. Hence, this witness searched the victim for 4 to 5 days and thereafter lodged the missing report. She further deposed that, later on learnt that, victim and accused had been to Nerul at the house of sister of accused. Victim and accused both were brought to Igatpuri police station. Victim told this witness that, accused had physical relationship for 2 to 3 months.

9] In the cross-examination this witness deposes that, as per school leaving certificate, the day on which victim left the house, she had completed 18 years 5 months and 21 days of her age. She admits that, her daughter disclose that, accused and victim were in love and victim wants to marry him. Further she deposes that, as per the wish of victim, her marriage was

performed with accused and at present they have cohabiting.

10] PW2 is the father of the victim. In his chief examination is similar to that of PW his wife. In the cross-examination, he deposes that, after victim went missing, for 25 to 26 days he did not lodged report. He had gone to Nerul, there on noticing accused and victim, matter was not reported to police. He also admits that, as per school leaving certificate, day on which victim left the house, she had completed 18 years 5 months and 21 days of her age. According to him, he had opposed the relationship of accused and victim.

11] PW is victim, she deposes that, in 2022 she and accused fell in love, their relationship was noticed by her parents. Her father beat her and stopped her further studies. According to her, when she was studying in first year of B.Com, she told the accused that now we should get married and accordingly marriage was performed. This witness did not support prosecution. Ld. APP cross-examined her at length. Except suggestions nothing is brought on record. The fact that, as on today victim and accused are residing together is brought on record.

12] Thereafter, prosecution examined PW4 Kanchan Bhojne, Investigating Officer who had investigated the crime. According to her, she visited the spot, drawn spot panchanama,

recorded statement of witnesses. She also deposed about securing birth certificate of the victim, forwarding seized clothes to FSL. She collected medical examination report. In the cross-examination, she admits that, as per Aadhar Card, on the date of incidence victim was above 18 years. She admits about love relationship of accused and victim.

13] Prosecution closed its evidence vide pursis Exh.26. Statement of accused is recorded under section 351 of BNSS at Exh.27.

14] Accused admits arrest panchanama, spot panchanama, birth certificate of victim, seizure panchanama, school leaving certificate of victim. 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.

15] 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 65(1), 137(2) of BNS and under sections 6, 8, 12 of POCSO Act, 2012. As stated above, it is admitted fact that, victim and accused fell in love prior to two years of incidence. It be noted that, victim deposes about having love relationship with accused and they having performed marriage. Evidence of victim and her

parents 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 now.

16] Even if the statement recorded by learned Magistrate of victim at Exh.15 is considered, then, nowhere there are allegations of accused forcibly committing penetrative sexual assault. Before learned Magistrate, victim stated that, she had completed her 18 years of age hence, physical relationship were with consent.

17] 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. 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.

18] 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. There is no evidence about accused having knowledge of the caste of the victim and on that count committing aforesaid offence. I answer the point nos. 1 to 4 in the negative.

AS TO POINT NO.5 :

19] Prosecution has failed to prove its case beyond reasonable doubts. PW3 victim in her oral evidence states about she and accused having performed 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 parents. When victim and accused have performed marriage, they are cohabiting together, accused cannot be punished. If accused is punished, the victim will be sufferer. Victim and accused fell in love and now they are happily cohabiting. 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 **Rohan Ankush Shingole** is hereby acquitted vide section 258(1) of BNSS, 2023 for the offence punishable under sections 65(1), 137(2), of Bhartiya Nyaya Sanhita, 2023, Sections 6, 8, 12 of Protection of Children from Sexual Offences Act, 2012 and section 3(1)(w)(i)(ii) of Scheduled Caste and Scheduled Tribes (Prevention of

Atrocity) Act, 1989.

- [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 purple color leggings, one purple color top, one white color T-shirt and one black color jeans pant being worthless, be destroyed as per rule, after expiry of appeal period. (Muddemal not deposited in the court)

Date : 11-03-2026

(Jairaj D.Wadne)
Special (POCSO) Judge, Nashik.