

Presented on - 21 / 06 / 2024
Registered on - 01 / 07 / 2024
Decided on - 07 / 03 / 2026
Duration - Yrs. Mts. Days
1 - 8 - 16

CNR- MHPU01-009882-2024 Exhibit - 19

<p><u>IN THE COURT OF SPECIAL JUDGE, AT PUNE,</u> (Presiding Officer : Sucheta M. Takalikar, Special & Additional Judge, Pune)</p> <p>Date of Judgment : 07/03/2026</p> <p>Special Case No. 781/2024</p>	
<p>FIR No.- 185/2024, U/s. 363, 376(2)(f)(n) of the IPC and Sections 5(l)(m)(n)(p), 6 of the POCSO Act Police station – Sinhgadroad, Pune</p>	
<p>FORM No.XXXII [Title page of Judgment] PART 'A' [Para 44(i) of Chapter VI of Criminal Manual]</p>	
Prosecution	State of Maharashtra, Through A.P.I. P.S., Sinhgadroad, Pune
REPRESENTED BY	Ld. Addl. Public Prosecutor, Mrs. Vidya Vibhute for state
ACCUSED	<p>Sandip Gopal Goud Age : 24 years, Occ.: Painter R/at – Samarth Residency, Jadhav nagar, Raykarmala, Dhayri, Pune.</p> <p>Permanent R/of- Gram Gahuaari, Post Kajari, Dist. Maharganj, Uttar Pradesh State.</p>

REPRESENTED BY	Learned Advocate A. P. Malviya and R.G.Sonawale for accused
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PART 'B'

[Para 44(ii) of Chapter VI of Criminal Manual]

Date of offence	:	27/03/2024, 30/03/2024 to 25/04/2024
Date of FIR	:	28/03/2024
Date of Chargesheet	:	20/06/2024
Date of Framing of Charges	:	25/04/2025
Date of commencement of evidence	:	20/06/2026
Date on which judgment is reserved	:	--
Date of the judgment	:	07/03/2026
Date of the Sentencing Order, if any	:	--

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428 Cr. P. C.
1	Sandip Gopal Goud	25/04/2024	Under Trial Prisoner (UTP)	U/Ss. 363, 376(2)(f) (n) of IPC and 5(l)(m) (n)(p), 6 of POCSO Act	Acquitted	-----	-----

PART 'C'

[Para 44(iii) of Chapter VI of Criminal Manual]

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

RANK	Exh. No.	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW.1	10	Mother of victim	Complainant
PW.2	12	Victim Girl ABC	Witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	----- Nil -----	

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	----- Nil -----	

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS.

A. Prosecution :

Sr. No.	Exhibit Number	Description
1	11	FIR

2	11-A	Printed FIR
3	13	Bonafide certificate of victim
4	Article-A	Attested birth certificate of victim

B. Defence Exhibits :

Admitted document :

Sr. No.	Exhibit Number	Description
1	14	Spot panchanama
2	15	Arrest panchanama
3	16	Medico-Legal Examination report of victim
4	17	Potency test report of accused

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1	7	Charge
2	8	Plea

D. Material Objects :

Sr. No.	Material Object Number	Description
1		----- Nil -----

J U D G M E N T
(decided on 07/03/2026)

The accused has been prosecuted for the offences punishable under Sections 363, 376(2)(f)(n) of the Indian Penal

Code, 1860 (hereinafter referred as 'IPC') and for offence punishable under Section 5(l)(m)(n)(p), 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred as 'POCSO Act, 2012').

The prosecution case in brief stated as under –

2] That, the complainant is the mother of the Victim Girl ABC. She lodged missing complaint stating that on 27/06/2024 at about 04.00 p.m. as usual her daughter i.e. Victim Girl ABC went to her class, but she did not return to the house. When she went to the class and inquired with class teacher, class teacher stated that Victim Girl ABC has not attended the tuition class, she remained absent. Then complainant and her relatives took search of the Victim Girl ABC, but she did not find. Therefore as someone has kidnapped her daughter, she went to police station and lodged missing complaint against unknown person.

3] Thereafter, on 26/04/2024 supplementary statement of complainant was recorded. In supplementary statement complainant stated that accused is nephew of her husband and since last five years he was residing in her house. He was helping in the work of her husband. On the day when victim left the house, accused told them that he is going to village, but he did not go to village, they suspected the accused. During investigation victim was found with accused and victim narrated to police that accused had kidnapped her and he committed sexual relations with her. Therefore further offence was added in

the crime. Then the detail complainant of the said incident came to be lodged against the accused.

On the basis of said complaint Cr. No. 185/2024 for the offences punishable under Sections 363, 376(2)(f)(n) of IPC, 1860 and for offence punishable under Section 5(l)(m)(n)(p), 6 of the POCSO Act, 2012 came to be registered against the accused.

3] API Pravin Jadhav, Sinhgadroad police station, carried out the investigation. During the course of investigation he went to the spot of incident and prepared the spot panchanama in presence of the two panchas, sent the victim ABC girl for her medical examination, recorded the statements of victim ABC and other witnesses, arrested the accused and prepared the arrest panchanama. He sent the accused for his medical examination and also sent the victim ABC girl to the Magistrate for recording their statements and after completion of due investigation he submitted charge-sheet against the accused.

4] The accused is an **Under Trial Prisoner (UTP)**.

5] Smt. K. D. Shirbhate, Spl. Judge, Pune framed the charge against the accused for the offence punishable under Sections 363, 376(2)(f)(n) of IPC, 1860 and for offence punishable under Section 5(l)(m)(n)(p), 6 of the POCSO Act, 2012. The contents of the charge read over and explained to the accused in vernacular to which he pleaded not guilty and

claimed to be tried. His defence is total denial and false implication.

6] To prove its case, prosecution has examined in all two witnesses and also relied on the documentary evidence.

7] In this case, PW1 and PW2 have not stated anything against the accused. Therefore no incriminating circumstances are found against the accused. Hence, the statement of accused under Section 313 of Cr.PC has been dispensed with.

8] I have heard Ld. APP for the State and Ld. Advocate for the accused at length.

9] From the facts and circumstances and evidence recorded by the prosecution following points arise for my determination. I have noted my findings for the reasons stated below:—

Sr. No.	<u>POINTS</u>	...	<u>FINDINGS</u>
1)	Does the prosecution prove that on the date of incident i.e. 27/03/2024 the victim was child within the meaning of Section 2(d) of the POCSO Act, 2012 ?	...	In the negative
2)	Does the prosecution prove that, on 27/03/2024 at about 04.00 p.m., at Samarth Residency, Flat No.16, 4 th floor, Lane No.2,	...	In the negative

Jadhav nagar, Raykarmala,
Dhayri, Pune accused kidnapped
the Victim Girl ABC ?

- 3) Does the prosecution prove that ... **... In the negative**
accused during 30/03/2024 to
25/04/2024 Phanaswada, Waliv,
Tal. Vassai, Dist. Palghar, being a
relative committed repeated
sexual relations with Victim Girl
ABC?
- 4) Does the prosecution prove that ... **... In the negative**
accused during above said period
and place place, being relative of
Victim Girl ABC, committed
repeated penetrative sexual
assault on her who was below the
age of 12 years ?
- 5) What offence, if any is made out ? ... **... In the negative**
- 6) What order ? ... **... As per final
order.**

: REASONS :

As to point No.1:

10] In this case, the prosecution came with the theory that
Victim Girl ABC was 11 years, 7 months old as on the date of
alleged incident.

11] PW1 is the complainant. She stated that the Victim
Girl ABC is her daughter. Upon perusal of her evidence, it
appears that in the year 2024 victim was 12 years old. That time

she was studying in 6th standard. But she has not stated about the incident took place with her daughter.

12] PW2 is the Victim Girl ABC. She has stated her date of birth as 23/08/2012. In the year 2024 she was 12 years old and studying in 6th standard. She has also not stated about the incident which happened with her.

13] In the case in hand the prosecution has produced bonafide certificate of Victim Girl ABC and Birth Certificate. It is at Exh.13 and Article-A respectively. The prosecution has not examined the author of the bonafide certificate and Birth Certificate, therefore bonafide certificate and birth certificate though executed, but the same cannot be taken into consideration.

14] Under such circumstances, it is difficult to believe that on 27/03/2024, the Victim Girl ABC was below 18 years of age. Therefore, the prosecution has failed to prove that the Victim Girl ABC was below 18 years of age. Hence, I answer to Point No.1 in the negative.

As to point Nos. 2 to 4 :-

15] These the points are interlinked with each other and therefore, I have decided to discuss them together.

16] To prove the charges levelled against the accused, the

prosecution relied on the evidence of in all two witnesses.

17] PW1 is the mother of the Victim Girl ABC and the informant. She testified that she was residing along with her husband, two son and one daughter. Victim girl ABC is her daughter. In the year 2024 victim was 12 years old and studying in 6th standard. On 27/06/2024 at about 04.00 p.m. victim had been to her class, but did not return back. Therefore she lodged complaint at police station. She does not know what is written in the complaint. Accused is her relative. Victim was found after a month. She had been to the house of her relative. On inquiry she stated that as complainant beat the victim, she left the house and went to the house of relative. In her examination-in-chief, she stated that it did not happen that accused kidnapped Victim Girl ABC and committed forcible sexual relations with her. Therefore, Ld. APP cross-examined her. In the cross-examination also she totally denied the incident.

18] PW2 is the Victim Girl ABC. She in her evidence stated that in the year 2024 she was residing along with her parents, two brothers and accused. Accused is her relative. Her date of birth is 23/08/2012. In the year 2024 she was 12 years old. On 27/03/2024 as there was quarrel between her and her mother, in angry, she left the house and went to the house of relative and stayed there for one month. Her mother already had lodged complaint. Police took search of accused and victim and she was brought to Pune from Mumbai. During that period nothing had

happened with her. In her examination-in-chief, she stated that it did not happen that accused kidnapped her and committed forcible sexual relations with her. She has not supported to the prosecution. Therefore, Ld. APP cross-examined her. In her cross-examination also she denied the incident.

19] In the light of above evidence, I have heard Ld. APP and Ld. Advocate for the accused at length. They argued as per their stand.

20] I have minutely gone through the evidence. In the case in hand, PW1 is the mother of the Victim Girl ABC. She has not supported to the prosecution. Hence, her evidence also not helpful to the prosecution.

21] PW2 Victim Girl ABC has also not stated anything against the accused. Hence, the evidence of PW2 Victim Girl ABC is not helpful to the prosecution.

22] Defence has admitted spot panchanama, arrest panchanama and medical report of victim, but upon perusal of medical report of victim, no physical or genital injury is found. Further spot panchanama and medical report are corroborative piece of evidence. However in this case there is no substantive evidence, therefore corroborative evidence cannot be taken into consideration.

23] Thus, in the case in hand, PW1 and PW2 are the material witnesses whose evidence would be the direct evidence. But they have not supported to the prosecution. Therefore, in absence of direct evidence on record, the prosecution has failed to prove the charges levelled against the accused. Hence, I answer to Point Nos.2 to 4 in the negative respectively.

As to Point No.5:-

23] In view of my findings on Point Nos.1 to 4, no any offence is made out against the accused. Hence, I answer to Point No.5 in the negative.

As to Point No.6:-

24] In view of the above discussion on record, the prosecution has utterly failed to prove the charges leveled against the accused beyond reasonable doubt. Therefore, benefit of doubt goes to the accused. Hence, the accused deserves to be acquitted and I pass the following order:-

ORDER

- 1) The accused **Sandip Gopal Goud** is hereby acquitted as per provisions of Section 235 (1) of Code of Criminal Procedure of the offences punishable under Sections 363, 376(2)(f)(n) of the Indian Penal Code, 1860 and Section 5(l)(m)(n)(p), 6 of the Protection of Children from Sexual Offences Act, 2012.
- 2) Accused is directed to execute Personal Bond and furnish Surety Bond of Rs.15,000/- with one or two solvent surety of like amount in

compliance of the provisions of Section 437-A of the the Code of Criminal Procedure.

- 3) Inform to the Jail Superintendent of the Yerwada, Pune accordingly.

(Dictated and pronounced in open Court in presence of Ld. A.P.P, Accused and his Ld. Advocate.)

Place – Pune
Date – 07/03/2026

(Sucheta M. Takalikar)
Special Judge &
Additional Sessions Judge, Pune.