

MHPU010175512021



Presented on : 22/11/2021  
 Registered on : 22/11/2021  
 Decided on : 13/03/2026  
 Duration : 05Y.03M.21D.

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PUNE**  
**(Presided over by S.R.Salunkhe)**

Form No. XXXII

**Part 'A'****(Title page of Judgment)****(Para 44(i) of Chapter VI of Criminal Manual)****Spl. POCSO Case No.906/2021****Exh.No. 38**

**Crime No. 431 of 2020 at  
 Jejuri Police Station, Pune Rural.**

<b>Prosecution</b>	<b>The State of Maharashtra, Through Jejuri Police Station, Pune Rural.</b>
<b>Represented by</b>	<b>Shri. Anilkumar Varma, Ld. Spl.P.P. for the State.</b>
<b>Accused</b>	<b>Rushikesh Satish Sakat, Age : 21 yrs, Occ. : Labour, R/at : Old Jejuri, Tal. Purandar, Dist. Pune.</b>
<b>Represented by</b>	<b>Shri A.S. Dhakate, Ld. Advocate for the accused.</b>

**Part – 'B'****(Para 44(ii) of Chapter VI of Criminal Manual)**

Date of offence	25/12/2020
Date of F.I.R.	26/12/2020
Date of Charge-sheet	21/11/2021
Date of framing Charges	07/08/2023
Date of commencement of evidence	03/02/2026
Date on which Judgment is reserved	07/03/2026
Date of Judgment	13/03/2026
Date of Sentencing order, if any	As per final order.

### ACCUSED DETAILS

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with Under Sections	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec 428, Cr.P.C.
1]	Rushikesh Satish Sakat	23/09/2021	19/11/2021	U/s. 363, 366-A, 376(2)(n) of IPC and Sec. 4 & 10 of POCSO Act	Acquitted	---	---

### Part 'C'

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

### LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

#### A. Prosecution -

RANK	NAME	EXH. NO.	NATURE OF EVIDENCE
1	Mother of the victim	18	Informant
2	Victim	20	Victim
3	Shirish Rajaram Londhe	22	I.O.
4	Nandkumar Hanumant Sonwalkar	27	I.O.

## B. Defence witness, if any -

RANK	NAME	NATURE OF EVIDENCE
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## C. Court witnesses, if any -

RANK	NAME	NATURE OF EVIDENCE
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**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

## A. Prosecution-

Sr.no.	Exhibit number	Description
1	19	Complaint
2	23	Spot panchnama
3	24, 25 & 25	Letter for procuring SDR and CDR
4	28	Report for addition of Section
5	29	Spot panchnama
6	30	Letter to Jejuri Rural hospital
7	31	Copy of letter to FSL
8	32	Case diary extract
9	33	Letter to Sassoon hospital
10	34	Letter for procuring medical report
11	35	Medical report

**Documents admitted under Section 294 of the Code of Criminal Procedure, 1973.**

Sr. No.	Exhibit number	Description
1]	---	---

**B. Defence -**

Sr. No.	Exhibit number	Description
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**C. Court Exhibits -**

Sr. No.	Exhibit number	Description
1]	11	Charge
2]	36	Evidence close pursis
3]	37	Statements u/s 313 of Cr.P.C.

**D. Material Objects -**

Sr. No.	Exhibit number	Description
1	---	---

**J U D G M E N T**  
**( Delivered on 13<sup>th</sup> March 2026 )**

The accused is prosecuted for having committed offences under Section U/s. 363, 366-A, 376(2)(n) of the Indian Penal Code (“IPC”) and Section 4 and 10 of the Protection of Children From Sexual Offences Act, 2012 (‘POCSO Act’).

2. The informant was residing with her daughter aged 16 years and 6 months and a son younger to her daughter. Her husband had left her prior to two years and the informant was working in Suprabha Company and was maintaining her family. She was knowing that her daughter has love affair with the accused.

3. On 25/12/2020 when the informant came from work, her daughter did not find in the house. She made inquiry with the son and he told that she has left home at about 5.00 p.m. The informant searched for her daughter with neighbours and relatives but she did not trace out. The informant realized that her daughter has fled away with the accused. She therefore went to the police station and lodged complaint against him. The crime was accordingly registered against the accused under Section 363 of IPC.

4. Police started search operation but the victim and the accused could not be traced out. After 6 months they were found in the village of maternal uncle of the accused. They were brought to the police station and the informant was also called. It was found that the victim and the accused have married. After investigation this charge sheet came to be filed against the accused. The accused was released on bail.

5. The charge was framed against the accused (Exh. 11) and its contents were explained to him which he pleaded not guilty and claimed to be tried. The prosecution examined 04 witnesses and after completion of prosecution evidence by pursis (Exh. 36), the statement of the accused under Section 313 of Cr.P.C. (Exh. 37) was recorded. The accused did not lead any defence evidence.

6. Heard Shri Anilkumar Varma, the learned APP and Shri A.S. Dhakate, learned advocate for the accused. The following points

arise for my determination. The findings thereon are recorded for the reasons recorded thereunder:

Sr.No.	POINTS	FINDINGS
1.	Does the prosecution prove that on 25/12/2020 at about 5.00 p.m. at old Jejuri, Tal. Purandar, Dist. Pune the accused kidnapped the victim who is a daughter of informant and thereby committed an offence under Section 363 of IPC ?	<b>Not proved.</b>
2.	Does the prosecution prove that on the aforesaid date, time and place, the accused kidnapped minor girl i.e. victim who is a daughter of informant, from her lawful custody from her house, situated at old Jejuri in order that, he may be forced to illicit intercourse and thereby committed an offence under Section 366-A of IPC ?	<b>Not proved.</b>
3.	Does the prosecution prove that prior to 5.00 p.m. of 25/12/2020 and thereafter time to time till 29/09/2021, at village old Jejuri in rented house of the informant, the accused repeatedly committed rape on the daughter of the informant and thereby committed an offence under Section 376(2) (n) of IPC ?	<b>Not proved.</b>
4.	Does the prosecution prove that on the above date, time and place the accused committed penetrative sexual assault on minor female victim and thereby committed an offence under Section 4 and 10 of POCSO Act ?	<b>Not proved.</b>

5.	What order ?	As per final order.
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### REASONS

#### As to Point Nos.1 to 4 :

7. The informant i.e. mother of the victim (PW-1, Exh. 18) has deposed as per her complaint which is marked Exh. 19. She further deposed that after six months of lodging complaint police called her to the police station where the victim and the accused were brought. She specifically denied that she had lodged the complaint alleging that the accused maintained physical relations with the victim knowing that she was minor. The suggestive questions were asked to her with permission of the court wherein she states that the victim and the accused have married on 25/12/2020 at Alandi and they have a daughter from the said wedlock. She had given the complaint against the accused due to misunderstanding. She has no complaint against the accused. The victim and the accused are now residing as the husband and wife. In the cross examination she states that she is illiterate and she was not knowing what was written by police in her complaint.

8. The victim (PW-2, Exh. 20) has deposed that she has married to the accused on 26/12/2020 at Alandi and they started residing at the husband and wife at the village of the maternal uncle of the accused. After 7-8 months police came and brought her and her husband to the police station. Her mother was present at the

police station. She stated police that the accused had not kidnapped her and she had gone with him on her own accord. She denied that the accused maintained physical relations with her before marriage. The suggestive question were asked to her by the prosecution but nothing contrary has come out. In the cross examination she states that she was of the age of 18 years and 6 months when eloped with the accused.

9. Shirish Londhe (PW-3, Exh. 22) was the investigating officer. He collected bonafide certificate from the school of the victim, drew spot panchnama (Exh. 23) and started search operation on the basis of CDR and SDR of the mobile phones of the victim and the accused. Those CDRs and SDRs were procured by making correspondence (Exh. 24, 25 and 26). He recorded the statements of the witnesses and further investigation of this crime was handed over to PSI Sonwalkar who submitted this charge-sheet. In the cross examination he admits that he has recorded the statements of the informant and the victim on 22/09/2021 and both of them had stated that they have no complaint against the accused.

10. Nandkumar Sonwalkar (PW-4, Exh. 27) was the investigating officer who completed the investigation and submitted this charge-sheet. He states that on 23/09/2021 he arrested the accused and during inquiry it was disclosed that the accused has maintained physical relations with the victim and thereby she has remained pregnant. He therefore added the offences under POCSO

Act and submitted the report (Exh. 28) to the Sr. P.I. He visited the place of incident and drew spot panchnama (Exh. 29). He issued letter (Exh. 30) to obtain blood sample of the accused for DNA profiling and forwarded the said blood sample to FSL Pune with letter (Exh. 31). The victim refused to give statement u/s 164 of Cr.P.C. The entry to that effect was made in station diary (Exh. 32). He issued letter to Sassoon hospital to collect the documents regarding delivery of the victim. He also issued letter (Exh. 34) for medical examination of the victim and accordingly her medical examination was carried out and her medical report (Exh. 35) was included in the case papers. By this way, he completed the investigation and submitted this charge-sheet. Nothing contrary has been extracted from the cross examination of this witness.

**11.** Shri Anilkumar Varma, the learned SPP submits that on the basis of bonafide certificate of the victim discloses her birth date as 03/06/2004. As per the complaint which was lodged on 26/12/2020, the age of the victim was 16 years and 6 months. Therefore, the offences under POCSO Act have been rightly invoked. The victim has remained pregnant from the accused and therefore no further evidence was required to show that he had maintained physical relations with her. Thus, according to him, whatever may be the oral evidence of the witnesses, the record would show that the accused has committed the offence under Section 4 and 10 of POCSO Act. It is an admitted fact that the accused and the victim were residing at the house of maternal uncle of the accused and both of

them were apprehended from that place. Therefore, the offence of kidnapping and forcible sexual intercourse amounting to rape are also proved by the prosecution. He therefore submits that the prosecution has proved the offences on the basis of documentary evidence and therefore the accused is liable to be punished in accordance with law.

**12.** Shri. A.S. Dhakate, the learned advocate for the accused submits that the victim herself has deposed that she was having love affair with the accused and she had gone with the accused on her own accord and both of them have been married. The informant has also deposed that after tracing out the victim and the accused she had stated before police that the complaint was lodged due to misunderstanding and she has no complaint against the accused.

**13.** On the basis of this evidence, according to the learned advocate neither the offences under IPC nor under POCSO Act could be attracted. Further investigating papers have been mechanically prepared and the accused has been prosecuted even though no prima facie offence was made out. There is no admissible proof as to the birth date of the victim. Ossification test was not conducted. The bonafide certificate though collected has not been proved by examining the witness. There is no other proof regarding the birth date of the victim. Thus, the statement of the victim that she was major when eloped with the accused has to be taken as true.

14. It is further submission of the learned advocate that the victim has married with the accused. Even assuming that the victim was minor at the time of said marriage, the said marriage would be voidable and not void. It is not the case of the prosecution much less any evidence that the accused maintained physical relations with the victim prior to the marriage. It is a fact that the victim and the accused are residing as the husband and wife and they have a daughter from the said wedlock. Under the circumstance no offence is proved against the accused and therefore the accused is entitled to be acquitted.

15. Having considered the rival submissions and on going through the evidence on record it appears that the informant was already knowing that the victim had love affair with the accused and therefore she lodged complaint against him when the victim did not find at her house. It was the complaint of kidnapping alone and no other offence was added at that time.

16. After 6 months, the victim and the accused were found and they were brought to the police station. The nature of allegations against the accused were changed at that time. The informant realized that the victim has married to the accused and both of them are residing as husband and wife, no fruitful purpose would be served in pursuing her initial complaint filed due to misunderstanding. She therefore gave statement that she has no complaint against the accused.

17. However, the investigating officer relying on the bonafide certificate realized that the victim was minor at the relevant time and therefore, to observe the mandate of law, he prepared further investigation papers with complete disregard to the withdrawal of the complaint by the informant and has submitted this charge-sheet.

18. I find merit in the submissions of the learned advocate for the accused that the birth date of the victim has not been properly proved. The victim had eloped with the accused on her own accord and both of them have married. There is no allegation much less the proof that the accused maintained physical relations with the victim prior to the marriage. Therefore, the offences of kidnapping and rape are not proved. The victim was of the age of understanding and it was her conscious decision to elope with the accused and to marry him. Therefore, the offences under POCSO Act are also not proved. Even though there is some sort of medical evidence of the sexual intercourse with the victim, considering the fact that the victim had married with the accused, any such evidence will not be sufficient to prove the offences as per the requirement of Section 4 and 10 of POCSO Act.

19. Upshot of the above discussion is that the prosecution has not proved the guilt of the accused for the offences for which he is tried. Therefore, he is entitled to be acquitted. In the result, I have recorded my findings on the above point accordingly and pass the following order.

**ORDER**

1. Accused **Rushikesh Satish Sakat** is hereby acquitted from the offences punishable under Section U/s. 363, 366-A, 376(2)(n) of the Indian Penal Code and Section 4, 10 of the Protection of Children From Sexual Offences Act, 2012 vide section 235(1) of the Code of Criminal Procedure
2. The bail bond of the accused stands cancelled and his surety is discharged after furnishing fresh bail as per Section 437-A of Cr.P.C.
3. No muddemal.
4. The accused shall execute personal bond and surety bond of Rs.25,000/- (Rs. Twenty Five Thousand Only) as per section 437-A of Cr.P.C.

Dictated and pronounced in the open Court.

Pune.

Date – 13/03/2026

**(S.R. Salunkhe)**

Spl. Judge (POCSO), Pune.

**Certificate**

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno : S.P. Bhagwat (Steno Gr-1)  
Court Name : S. R. Salunkhe,  
Addl. Sessions Judge, Pune.  
Date of Decision : 13/03/2026  
Dictated on : 13/03/2026  
Typed on : 13/03/2026  
Judgment checked and  
signed by P.O. : 13/03/2026  
Judgment uploaded on: 14/03/2026

