

MHPU140013382021



Presented on :- 18.05.2021

Registered on :- 25.06.2021

Decided on :- 06.07.2026

Duration :- :- 05Y.01M.18D.

IN THE COURT OF SPECIAL JUDGE UNDER POCSO ACT, BARAMATI.

(Presided over by R. G. Malashetti, Special Judge under POCSO Act, Baramati.)

Spl. Case No.-101/2021**Exh. No.-30.****“Part A”**

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

Details of FIR/Crime and Police Station	
Crime No.166/2021, under Sections 363, 366, 376, 471 and 496 of the Indian Penal Code and under section 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 of ‘B’ City Police Station.	
Prosecution:-	State of Maharashtra through Police Station ‘B’ City.
Complainant/ Informant:-	(Name and address of the complainant /informant are concealed),
Represented by :-	Special Public Prosecutor Shri. Sandeep Ohol,
Accused :-	Vishal Dattatray Ghode, Age: 26 Years, Occu- Private Job, R/at – Gunwadi, Taluka-Baramati, District.-Pune.
Represented by :-	Advocate Shri. S. A. Ahiwale

Part B”

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

Date of Offence	03.05.2021 to 04.05.2021
Date of First Information Report	09.03.2021

Date of Charge-sheet	25.06.2021
Date of Framing of Charges	01.04.2023
Date of commencement of evidence	22.06.2026
Date on which judgment is reserved	—
Date of the Judgment	06.07.2026.
Date of the Sentencing Order, if any	N.A.

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of release on bail	Offence charge with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Sec. 428 Cr.PC
1.	Vishal Dattatray Ghode	21.03.2021	06.04.2021	Sections 363, 366, 376, 471 and 496 of the IPC and under sections 4, 8 and 12 of POCSO Act.	Acquitted	NA	NA

“Part- C”

(Para 44(iii) of Chapter VI of Criminal Manual)
LIST OF PROSECUTION/DEFENCE/COURT WITNESS.

Prosecution Witnesses		
Rank of the witness	Name	Nature of Evidence
PW1	Complainant (his name and address are concealed)	Complainant (Exh.13) / Father of victim
PW2	Victim (her name and address are concealed)	Victim (Exh.17)

Defence Witnesses, if any		
Rank of the witness	Name	Nature of Evidence
NIL	NIL	NIL

Court Witnesses, if any		
Rank of the witness	Name	Nature of Evidence
NIL	NIL	NIL

LIST OF PROSECUTION/DEFENSE/COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit No.	Description
1	Exhibit P-14/PW1	Missing Complaint dated 04.03.2021,
2	Exhibit P-15/PW1	Complaint dated 09.03.2021,
3	Exhibit P-16/PW1	Copy of printed FIR dated 09.03.2021,
4	Exhibit P-18/PW2	Statement of victim recorded u/s.164 of the Code of Criminal Procedure dated 26.03.2021,
5	Exhibit P-19/admitted	Spot panchanama dated 09.03.2021,
6	Exhibit P-20/admitted	Spot panchanama dated 23.03.2021,
7	Exhibit P-21/admitted	Spot panchanama dated 24.03.2021,
8	Exhibit P-22/admitted	Arrest panchanama dated 21.03.2021,
9	Exhibit P-23/admitted	Seizure panchanama of clothes of victim dated 23.03.2021,
10	Exhibit P-24/admitted	Seizure panchanama of clothes of accused dated 23.03.2021,
11	Exhibit P-25/admitted	Seizure panchanama of motorcycle dated 24.03.2021,
12	Exhibit P-26/admitted	Birth Certificate of victim dated 25.03.2021
13	Exhibit P-27/admitted	Medico-legal Examination Report of Sexual violence dated 21.03.2021

B. Defence:

Sr. No	Exhibit No.	Description
1	NIL	NIL

C. Court Exhibits:

Sr. No	Exhibit No.	Description
1	NIL	NIL

D. Material Objects :

Sr. No	Material No.	Description
	NIL	NIL

JUDGMENT

(Delivered on 03rd day of July, 2026)

01] The accused is facing trial for the offences punishable under Sections 363, 366, 376, 471 and 496 of the Indian Penal Code and under section 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 of 'B' City Police Station.

Brief Facts:-

02] The case of the prosecution in brief is that, the complainant is residing along with his wife, son and victim minor daughter, aged about 17 years and 10 months jointly. On 03.03.2021, he did not find the victim. After taking search, on 04.03.2021, he filed missing report with 'B' City Police Station.

03] On 09.03.2021, the complainant again after taking thorough search and inquiry did not find the victim, confirmed that unknown accused kidnapped her and as such he filed complaint against unknown accused in said police station.

04] On aforesaid complaint, the said police station registered CR No.166/2021 punishable under section 363 of Indian Penal Code against unknown accused. Investigating Officer Shri. B. S. Sasane collected copy of complaint and printed FIR. He recorded statements of 5 witnesses. He visited the spot of incident and drawn spot panchnama in presence of two panch witnesses.

05] On 21.03.2021, the victim appeared in said police Station along with accused. On 03.03.2021 at about 11.00 p.m., he, on pretext of marriage kidnapped her from lawful guardianship of her father, taken her on scooter in 'R' village in Taluka in which she was residing, kept her there in rented room, committed repeated rape on her, then taken her at 'K or M' City, taken rented room, committed repeated rape on her, on 23.03.2021 taken her at 'A' City, performed marriage with her there and on 21.03.2021, they came in the said police station. Investigating Officer Smt. A. K. Shendge recorded supplementary statements of the complainant and statements of 2 witnesses including victim. She arrested the accused after drawing arrest panchnama in presence of two panch witnesses. She by issuing report got examined the victim from Government Women's Hospital in 'B' City. She collected copy of Aadhaar Card of victim and documents regarding her marriage.

06] On 22.03.2021, Investigating Officer Smt. Shendge after issuing report, informed the Court about addition of sections punishable under sections 366 and 376 of Indian Penal Code and under sections 4, 8 and 12 of Protection of Children From Sexual Offences Act, 2012 against the accused.

07] On 23.03.2021 Investigating Officer Smt. Shendge recorded statements of 4 witnesses. She visited the spot of incident in 'R' village and drawn spot panchnama in presence of two panch witnesses. She seized clothes worn by the victim and the accused, at the time of happening of the incident, after drawing seizure panchnamas in presence of two panch witnesses. She by issuing report got examined the accused from Medical Officer.

08] On 24.03.2021 Investigating Officer Smt. Shendge recorded statements of 3 witnesses. She visited spot in 'A' City and drawn spot panchnama in presence of two panch witnesses. She seized motorcycle used in commission of the offence, in presence of two panch witnesses after drawing seizure panchnama.

09] On 25.03.2021, Investigating Officer Smt. Shendge recorded statement of the complainant, supplementary statements of 5 witnesses including victim.

10] On 25.03.2021, Investigating Officer Smt. Shendge after issuing report got recorded statement of the victim, under section 164 of the Code of Criminal Procedure.

11] On 05.05.2021, Investigating Officer Smt. Shendge after issuing report to DILR 'B' City requested for issuance of map of spot of incident. After completion of investigation, she filed chargesheet in Court against the accused.

12] The accused was arrested as on 21.03.2021 and released on bail as on 06.04.2021.

13] After hearing arguments of both the sides, my learned predecessor has framed the charges punishable under Sections 363, 366, 376, 471 and 496 of the Indian Penal Code and under section 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 against the accused vide Exh.03 as on 01.04.2023. The said charge was read over to the accused in his language i.e. in Marathi. He pleaded not guilty and claimed the trial. Accordingly, his statement is came to be recorded vide Exh.04. From the line of cross-examinations of prosecution witnesses and answers given while recording his statement, under Section 313 of the Code of Criminal Procedure, it appears that, the defence of the accused is of total denial and false implication.

14] Heard learned APP Shri. Sandeep Ohol and Adv. Shri. R. J. Kokare for accused.

15] The following points arise for my determination and I record my findings against them for the reasons given below -

Sr No.	Points	Findings
1.	Whether the prosecution proves that, on 03.03.2021 at about 11.00 p.m., from the spot in front of house of the complainant and his minor daughter victim, aged about 17 years and 10 months the accused kidnapped the victim without consent of her lawful guardian and thereby the accused has committed an offence punishable under Section 363 of the Indian Penal Code?	<u>In Negative</u>

2.	Whether the prosecution proves that the accused on the aforesaid day, date, time and place, kidnapped a minor victim girl, aged about 17 years and 10 months with intent that she may be compelled to or knowing it likely that she will be compelled to marry with him or another person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it likely that she will be forced or seduced to illicit intercourse and that thereby the accused has committed an offence punishable under Section 366 of the Indian Penal Code?	<u>In Negative</u>
3.	Whether the prosecution proves that during the period in between 11.00 p.m. of 03.03.2021 to 21.03.2021 the accused kidnapped the minor victim girl, aged about 17 years and 10 months, taken her at village R at 'K or M' City, in rented room in said village and the city, he on promise of marriage committed repeated rape on her and thereby the accused has committed an offence punishable under Section 376(2)(n) of the Indian Penal Code?	<u>In Negative</u>
4.	Whether the prosecution proves that accused on 20.03.2021, in 'F.I.' marriage bureau in 'A' city, he used as genuine a certain document namely school leaving certificates of victim, a forged or tampered document, so as to get married with minor victim, aged about 17 years and 10 months, which documents he knew at the time when used it to be forged document and thereby the accused has committed an offence punishable under Section 471 of the Indian Penal Code?	<u>In Negative</u>
5.	Whether the prosecution proves that accused during aforesaid period and places dishonestly (or fraudulently) went through the ceremony of being married to minor victim girl, aged about 17 years and 10 months knowing that he was not thereby lawfully married and thereby the accused has committed an offence punishable under Section 496 of the Indian Penal Code?	<u>In Negative</u>

6.	Whether the prosecution proves that during above period and in the course of same transaction accused committed penetrative sexual assault on victim girl, aged about 17 years and 10 months and thereby the accused has committed an offence punishable under Section 4 of the Protection of Children From Sexual Offences Act, 2012?	<u>In Negative</u>
7.	Whether the prosecution proves that during above period and in the course of same transaction accused committed sexual assault on victim girl, aged about 17 years and 10 months and thereby the accused has committed an offence punishable under Section 8 of the Protection of Children From Sexual Offences Act, 2012?	<u>In Negative</u>
8.	Whether the prosecution proves that during above period and in the course of same transaction accused committed sexual harassment upon the victim minor girl, aged about 17 years and 10 months with sexual intent and thereby the accused has committed an offence punishable under Section 12 of the Protection of Children From Sexual Offences Act, 2012?	<u>In Negative</u>
9.	What order ?	The accused is acquitted.

REASONS

As to Point Nos.-1 to 8 :-

16] To prove the guilt of the accused, the prosecution has examined PW1-complainant at Exh.13 and PW2-victim at Exh.17.

17] Apart from aforesaid oral evidence, the prosecution has relied on following documentary evidence;

Sr. No	Exhibit No.	Description
1	Exhibit P-14/PW1	Missing Complaint dated 04.03.2021,
2	Exhibit P-15/PW1	Complaint dated 09.03.2021,

3	Exhibit P-16/PW1	Copy of printed FIR dated 09.03.2021,
4	Exhibit P-18/PW2	Statement of victim recorded u/s.164 of the Code of Criminal Procedure dated 26.03.2021,
5	Exhibit P-19/admitted	Spot panchanama dated 09.03.2021,
6	Exhibit P-20/admitted	Spot panchanama dated 23.03.2021,
7	Exhibit P-21/admitted	Spot panchanama dated 24.03.2021,
8	Exhibit P-22/admitted	Arrest panchanama dated 21.03.2021,
9	Exhibit P-23/admitted	Seizure panchanama of clothes of victim dated 23.03.2021,
10	Exhibit P-24/admitted	Seizure panchanama of clothes of accused dated 23.03.2021,
11	Exhibit P-25/admitted	Seizure panchanama of motorcycle dated 24.03.2021,
12	Exhibit P-26/admitted	Birth Certificate of victim dated 25.03.2021
13	Exhibit P-27/admitted	Medico-legal Examination Report of Sexual violence dated 21.03.2021

18] In defence, the accused neither adduced any oral evidence nor produced on record any documentary evidence.

19] After hearing arguments of Ld. Spl.PP and Advocate of accused, I have gone through the record.

20] It reveals that, the accused has not disputed evidence of PW1-complainant and his minor daughter PW2-victim on the points that, PW1-complainant is residing along with his wife, son and PW2-victim jointly, at the time of happening of the incident, she was aged about 17 years and 10 months, her birth date is 26.02.2004, her birth

entry is taken in Municipal record of 'B' City, on 03.03.2021 at about 11.00 p.m., she left her house, on 04.03.2021, the complainant filed her missing report in said police station, on 09.03.2021, he filed complaint of kidnapping her by unknown accused, the then I.O. Shri. Sasane drawn spot panchnama of spot in the house of complainant and victim, on 21.03.2021, she found in said police station, I.O. Smt. Shendge got medically examined her and arrested the accused, on 23.03.2021, I.O. Smt. Shendge drawn spot panchnama of spot in village 'R', seized clothes of the victim and accused, used at the time of commission of the offence, on 24.03.2021, I.O. Smt. Shendge drawn spot panchnama of spot in 'M' village and she seized motorcycle used in commission of the offence, she collected birth extract of the victim.

20] The aforesaid undisputed evidence is corroborated by documentary evidence i.e. spot panchnama dated 09.03.2021 at Exh.19, spot panchnama dated 23.03.2021 at Exh.20, spot panchnama dated 24.03.2021 at Exh.21, arrest panchnama dated 21.03.2021 at Exh.22, seizure panchnamas dated 23.03.2021 at Exhs.23 and 24, seizure panchnama dated 24.03.2021 at Exh.25, birth extract dated 26.03.2021 at Exh.26 and Medico-legal Examination Report of Sexual violence of victim dated 21.03.2021 at Exh.27.

21] The aforesaid oral evidence corroborated by documentary evidence clearly goes to show that, the complainant is residing along with his wife, son and victim minor daughter, aged about 17 years and 10 months jointly, on 03.03.2021, he did not find the victim, after taking search, on 04.03.2021, he filed missing report with 'B' City Police Station, on 09.03.2021, the complainant again after taking

thorough search and inquiry did not find the victim and as such he filed complaint against unknown accused in said police station, on aforesaid complaint, the said police station registered CR No.166/2021 punishable under section 363 of Indian Penal Code against unknown accused, Investigating Officer Shri. B. S. Sasane visited the spot of incident in front of house of complainant and victim drawn spot panchnama in presence of two panch witnesses, on 21.03.2021, the victim was found, Investigating Officer Smt. A. K. Shendge by issuing report got examined the victim from Government Women's Hospital in 'B' City, on 23.03.2021 Investigating Officer Smt. Shendge visited the spot of incident in 'R' village and drawn spot panchnama in presence of two panch witnesses, she seized clothes worn by the victim and the accused, she by issuing report got examined the accused from Medical Officer, on 24.03.2021 Investigating Officer Smt. Shendge visited the spot of incident in 'M' village and drawn spot panchnama in presence of two panch witnesses and on 25.03.2021, Investigating Officer Smt. Shendge after issuing report got recorded statement of the victim, under section 164 of the Code of Criminal Procedure.

22] However, PW1-complainant and his daughter PW2-victim have not stated that on 03.03.2021 at about 11.00 p.m. from the spot in front of their house, the accused kidnapped victim on motorcycle, taken her at village 'R', taken rented room there, committed repeated rape on her, then taken her at city 'K or M', taken rented room there, committed repeated rape on her till 20.03.2021, on 20.03.2021 performed marriage with her in 'F.I.' Marriage Bureau and then taken her in said police station. Special P.P. cross-examined them, but

nothing has come on record to prove the said facts. In cross-examination PW1-complainant and his daughter PW2-victim admitted that the PW2-victim went at her friend's house during disputed period, the name of her friend is 'P', both the witnesses have no any complaint against the accused and the PW2-victim had given statement under section 164 of the Code of Criminal Procedure dated 26.03.2021 at Exh.18, on the say of her relatives. It is true, both the witnesses have admitted that they are unable to tell specific reason why PW2-victim had went towards her friend in 'P' city. But by the same, it cannot be inferred that the prosecution has brought on record sufficient evidence to prove alleged offences of kidnapping and committing repeated rape on minor victim.

23] There is no other oral or documentary evidence to connect the accused with the alleged offences.

24] Considering facts, circumstances, evidence on record and legal position discussed above, I come to the conclusion that, the prosecution failed to prove beyond reasonable doubt that, on 03.03.2021 at about 11.00 p.m. from the spot in front of their house, the accused kidnapped minor daughter of complainant i.e. victim aged about 17 years and 10 months without his consent or knowledge, on motorcycle, during the period in between 11.00 p.m. of 03.03.2021 to 21.03.2021, taken her at village 'R', taken rented room there, committed repeated rape on her, then taken her at city 'K or M', taken rented room there, committed repeated rape on her till 20.03.2021, on 20.03.2021 performed marriage with her in 'F.I.' Marriage Bureau and sexually assaulted and sexually harassed her with sexual intent. Accordingly, point Nos.1 to 8 answered in the "Negative".

As to Point No.-9 :-

25] As per detailed discussion, reasoning and findings recorded in Point Nos.1 to 8, I pass the following order.

ORDER

1. Accused Vishal Dattatray Ghode R/o.- Gunwadi, Taluka-Baramati, District.-Pune is hereby acquitted under Section 235(1) of the Code of Criminal Procedure, from the offences punishable under Sections 363, 366, 376(2)(n), 471 and 496 of the Indian Penal Code and under section 4, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012.
2. The bail bonds of the accused shall stand cancelled.
3. The accused is hereby directed to furnish PR. & surety bonds of Rs.15,000/- (Rupees Fifteen Thousands Only) as compliance of section 437-A of the Code of the Criminal Procedure.

Date :-06.07.2026
Baramati.

(R. G. Malashetti)
Special Judge under POCSO Act,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Court Name	:- R. G. Malashetti, Special Judge under POCSO Act, Baramati
Name of Steno.	:- I. E. Deshmukh,(Steno Grade-1)
Date of order.	:- 06.07.2026
Order signed by P.O. on	:- 06.07.2026
Order uploaded on	:- 06.07.2026