

**Form No. XXXII - Part 'A' : (Title Page of Judgment)  
(Para 44(i) of Chapter VI of Criminal Manual)**

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|--|--|
| <b><u>IN THE COURT OF SPECIAL JUDGE</u></b><br><b><u>AT BARAMATI, DISTRICT - PUNE.</u></b>                                 |  |
| <b>Present : Vijay C. Barde, Special Judge</b><br><b>Date of Judgment : 07.03.2026</b><br><b>Special Case No. 190/2020</b> |  |
| <b>Details of F.I.R./Crime and Police Station</b>  |  |
| Complainant  | <b>State of Maharashtra</b><br>Through P.S.O., Baramati City Police Station,<br>Tal. Baramati, Dist. Pune.   |
| Represented by   | Mr. D. S. Shingade, A.P.P.   |
| Accused  | <b>Amir Salim Zarekari</b><br>Age - 29 years, Occu. : Labour<br>R/o. Phaltan Road, Gokulnagar, Tal. Baramti,<br>Native at- Karjat, Zarekari Galli, Tal. Karjat,<br>Dist. Ahilyanagar |
| Represented by   | Advocate S. A. Shaikh  |

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

|                                      |            |
|--------------------------------------|------------|
| Date of Offence                      | 22.12.2019 |
| Date of F.I.R.                       | 23.12.2019 |
| Date of Charge-sheet                 | 19.10.2020 |
| Date of Framing of Charges           | 05.10.2021 |
| Date of Commencement of evidence     | 09.02.2026 |
| Date on which judgment is reserved   | 26.02.2026 |
| 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 Sec.428, Cr.P.C. |
|---------------------|---------------------|----------------|-------------------------|--|--------------------------------|------------------|--|
| 1                   | Amir Salim Zarekari | 10.02.2020     | 17.02.2020              | Under Sections 354, 354D(2) of IPC and Sections 8 and 12 r/w. Sec. 11(iv) 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                  | Nature of Evidence    | Exh. |
|--------|-----------------------|-----------------------|------|
| P.W. 1 | Victim                | Complainant           | 13   |
| P.W. 2 | Victim's mother       | Witness               | 16   |
| P.W. 3 | Victim's father       | Witness               | 17   |
| P.W.4  | Yogesh Ajitrao Shelar | Investigating Officer | 21   |

**B : Defence Witness if any :**

| Rank | Name | Nature of Evidence |
|------|------|--------------------|
| DW 1 | -    | -                  |

**C : Court Witness if any :**

| Rank | Name | Nature of Evidence |
|------|------|--------------------|
| CW 1 | -    | -                  |

**List of Prosecution/Defence/Court Exhibits****A : Prosecution :**

| Sr.No. | Exhibit Number  | Description                        |
|--------|-----------------|------------------------------------|
| 1      | Exh. P-14/PW1   | Signature of complainant on report |
| 2      | Exh. P-15/PW1   | Signature of complainant on FIR    |
| 3      | Exh.18/admitted | Arrest Form                        |
| 4      | Exh.19/admitted | Spot panchanama                    |
| 5      | Exh. P-22/PW4   | Report                             |

| Sr.No. | Exhibit Number | Description                       |
|--------|----------------|-----------------------------------|
| 6      | Exh. P-23/PW4  | FIR                               |
| 7      | Exh. P-24/PW4  | Portion 'A' in statement of P.W.2 |
| 8      | Exh. P-25/PW4  | Portion 'A' in statement of P.W.3 |
| 9      | Exh. P-26/PW4  | Victim's Birth Certificate        |
| 10     | Exh. P-27/PW4  | Victim's Adhar Card               |

**B : Defence :**

| Sr.No. | Exhibit Number | Description |
|--------|----------------|-------------|
| 1      | --             | --          |

**C : Court Exhibits :**

| Sr.No. | Exhibit Number | Description |
|--------|----------------|-------------|
| 1      | --             | --          |

**D : Material Objects :**

| Sr.No. | Exhibit Number | Description |
|--------|----------------|-------------|
| 1      | --             | --          |



Presented on : 19.10.2020

Registered on : 26.10.2020

Decided on : 07.03.2026

Duration : 05Y.04.16D.

**CNR No.MHPU140022602020**

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE**  
**AT BARAMATI, DISTRICT PUNE**

**(Presided over by Vijay C. Barde)**

**Special Case No. 190/2020****EXH.30****State of Maharashtra,**

Through P.S.O., Baramati City

Police Station, Tal. Baramati, Dist. Pune.

.. **Prosecution****V e r s u s****Amir Salim Zarekari**

Age - 27 years, Occu. : Labour

R/o. Phaltan Road, Gokulnagar, Tal. Baramati,

Native at- Karjat, Zarekari Galli, Tal. Karjat,

Dist. Ahilyanagar

.. **Accused**

**OFFENCES PUNISHABLE UNDER SECTIONS 354, 354D(2) OF THE INDIAN PENAL CODE AND SECTIONS 8 AND 12 READ WITH SECTION 11(iv) OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012**

**Appearance :**

Shri. D. S. Shingade : Learned A.P.P. for the State.  
Shri. S. A. Shaikh : Learned Advocate for accused

**J U D G M E N T**

(Delivered on 07<sup>th</sup> of March, 2026)

Accused is prosecuted for the offences punishable under Sections 354, 354D(2) of the Indian Penal Code (for short 'IPC') and Sections 8 and 12 read with Section 11(iv) of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO').

The prosecution case, in brief, is as under:

2. On 23.12.2019, informant-victim aged 14 years and 7 months, lodged report at Baramati City Police Station accompanying with her mother that she was studying in 10<sup>th</sup> std. She knew accused being resident of same locality. Prior to two months, accused was following and harassing her while proceeding to school with bad intention. Due to fear of accused, she did not disclose the same to her parents. On 22.12.2019, at about 8.30 p.m., she was going to meet her grandmother. Accused who was standing besides the road, approached her, held her hand and pulled her on his person with bad intention, uttering that he loved her and wanted to talk with her. Complainant freed her hand from his clutches, ran away at her uncle's home and narrated the fact to her uncle, grandfather and grandmother. When her uncle went to question accused, he ran away from spot. Informant returned to her home, disclosed the fact to her mother and lodged report against accused. On such report, FIR was registered and investigation commenced. The Investigating Officer prepared spot panchanama. He recorded statements of complainant and witnesses.

He obtained Birth Certificate of complainant-victim and relevant documents. He arrested accused and after completion of investigation, charge-sheet is filed against accused for the offences mentioned above.

3. Upon hearing the prosecution and accused, Ld. Predecessor framed charge against him at Exh. 5 for the offences punishable under Sections 354, 354D(2) of IPC and Sections 8 and 12 read with Section 11(iv) of the POCSO Act, and plea of the accused was recorded. He pleaded not guilty and claimed trial. His defence is that of total denial.

4. The following points arose for determination, on which, findings are recorded coupled with reasons therefor, as under :

| <b>S.N.</b> | <b>Points</b>  | <b>Findings</b>     |
|-------------|--|---------------------|
| 1           | Whether prosecution proved that prior to two months of 22.12.2019 and at about 8.30 p.m. of 22.12.2019, on road in front of gate of one building at spot, accused used criminal force to the informant-victim to outrage her modesty, knowingly? | No                  |
| 2           | Whether prosecution proved that on the aforesaid period and place, accused followed informant-victim and contacted or attempted to contact her to foster personal interaction repeatedly despite a clear indication of disinterest by her?       | No                  |
| 3           | Whether prosecution proved that on the aforesaid date, time and place, accused committed sexual assault upon informant victim- minor girl?   | No                  |
| 4           | Whether prosecution proved that on the aforesaid period and place, accused committed sexual harassment of informant victim-minor girl?   | No                  |
| 5           | What order?  | As per final order. |

## **REASONS**

5. Heard Ld. A.P.P. for State and Ld. Advocate for accused. Perused record of the case.

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

6. In this case, prosecution has to prove the offences charged against the accused under Sections 354, 354D(2) of IPC and Sections 8 and 12 read with Section 11(iv) of the POCSO Act, wherein accused is alleged to have outraged modesty of the informant by making sexual assault on her.

7. Evidence of victim (P.W.1) being complainant is that in the year 2023, she was aged of 14 years and 7 months. Her date of birth is 29.04.2005. She was residing with her parents and younger brother, while studying in 10<sup>th</sup> std. She knew accused being neighbour. No incident occurred with her on 22.12.2019 at about 8.30 p.m., at the hands of accused. She did not lodge report against him. She only admitted her signatures on Report (Exh. P-14) and FIR (Exh.P-15). During cross-examination by Ld. APP, she disowned incidents narrated as per contents in portion 'A' in report. She stated that report (Exh.P-14) also bears signature of her mother. She denied that she showed spot of incident to the police. She further stated that she handed over her birth certificate to police and police sent her to record her evidence under Section 164 of Cr.P.C., which she refused to lead. She admitted that she compromised the matter with accused. Thus, nothing has come in her evidence against accused in respect of outraging her modesty. During cross-examination by defence counsel, she testified that prior to the incident and thereafter also, she has no grievance against the accused.

8. Victim's mother (P.W.2) and father (P.W.3) stated regarding the education being taken by victim and knowing accused

being their neighbour. They both have not stated anything regarding outraging modesty of victim by accused making sexual assault. P.W.2 only admitted her signature on report, by denying its contents. In the cross-examination made by Ld. APP, they disowned the facts of following their minor victim-daughter by accused, outraging her modesty, and making sexual assault on her. They both stated regarding compromising the matter with accused. In cross-examination for accused, P.W.2 testified that she has no grievance against the accused.

9. Investigating Officer (P.W.4) stated that in the year 2019, while attached to Baramati City Police Station as PSI, he verified the complainant's complaint (Exh.P-22), on which basis, FIR (Exh.P-23) was registered. He recorded statements of witnesses. He further recorded statements of P.Ws. 2 and 3 as per Portions 'A' (Exhs.P-24 and 25) as per their say. He prepared Spot Panchnama (Exh.P-19) and obtained Birth Certificate (Exh.P-26) and Adhar Card (Exh.P-27) of victim. After completion of investigation, he filed charge-sheet against the accused.

10. The evidentiary value of F.I.R. under Section 154 of Cr.P.C. in any criminal case is that it may be used by prosecution to corroborate the maker-informant. In the instant case, the contents of report and F.I.R. have not been supported by victim-complainant (P.W.1), which do not come in aid to corroborate her version. Thus, her evidence does not establish contents of the report and FIR regarding incident alleged to have occurred with her of outraging her modesty with sexual assault by accused.

11. Victim's mother (P.W.2) and father (P.W.3) also have not supported the prosecution case as they deposed that no incident occurred and they also denied to have made statement to the police as per portions (Exhs.P-24 and 25). P.W.2 stated that she has no

grievance against accused. Be that as it may, the incident with complainant (P.W.1) has not come on record by way of oral evidence, though she is cross-examined at length by learned A.P.P.

12. Evidence of Investigating Officer (P.W.4) discloses an account of investigation carried out in this case against the accused from registration of F.I.R. till filing of charge-sheet. However, insofar as the direct evidence relating to the incident, nothing incriminating has been deposed by complainant (P.W.1), her mother (P.W.2) and father (P.W.3) against accused. In their oral evidence, they denied that any such incident occurred that accused outraged modesty of victim with sexual assault. The other evidence on record does not establish any act on the part of accused incriminating him in the offence charged. Therefore, as the prosecution failed to establish the offence in the evidence of complainant, her parents, the accused shall be acquitted of the charges brought against him. Accordingly, Point Nos.1 to 4 are answered in the negative and following order is passed:

### **ORDER**

1. Accused-Amir Salim Zarekari is hereby acquitted under Section 235 (1) of The Code of Criminal Procedure of the offences punishable under Sections 354, 354D(2) of the Indian Penal Code and Sections 8 and 12 read with Section 11(iv) of the Protection of Children from Sexual Offences Act, 2012.
2. Bail bonds of accused shall stand cancelled.
3. Accused, in compliance of provisions of Section 437A of The Code of Criminal Procedure, shall submit personal bond of Rs.25,000/- and a surety in the like sum, for a period of six months.
4. Dictated and pronounced in open Court.

Date : 07.03.2026

(Vijay C. Barde)  
Special Judge  
Baramati.

**CERTIFICATE**

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

|                                      |   |   |
|--------------------------------------|---|---|
| Name of Stenographer                 | : | V.B.Lalsangi<br>Stenographer (G-1)      |
| Court Name                           | : | Special Judge,<br>Baramati, Dist. Pune. |
| Date of Order                        | : | 07.03.2026                              |
| Order signed by<br>Presiding Officer | : | 07.03.2026                              |
| Order uploaded on                    | : | 07.03.2026                              |