



**IN THE COURT OF SPECIAL JUDGE, (POCSO) AT- BARAMATI,
DIST.- PUNE.**

ORDER BELOW EXH. 1 IN SPL. CHILD CASE NO. 229 OF 2020

State of Maharashtra.		Complainant
V/s.		
Kiran @ Golden Prakash Shitole		Accused

ORDER

(DATED - 18th SEPTEMBER 2021)

- 1) Perused the chargesheet and documents on record.
- 2) Heard learned Exclusive Special Public Prosecutor Shri. S.B. Ohol, for the prosecution and learned Advocate Shri. S.T. Nimbalkar, appearing for the accused.
- 3) Police Inspector, Baramati Taluka Police Station, has filed chargesheet against the accused for the offences punishable under Secs. 323, 354-A, 354-B, 500 and 506 of the Indian Penal Code (here-in-after for brevity referred to as ' the I.P.C.') , under Sec. 12 of The Protocetion of Children from Sexual Offences Act- 2012 (in short 'POCSO Act') and under Sec. 67 of The Information Technology Act – 2000 (in short ' the I.T. Act'). Accordingly, process was issued against the accused by order dated - 25/11/2000 passed by then Addl. Sessions Judge -1, Baramati.
- 4) As per Sec. 199 (1) of the Code of Criminal Procedure (in short 'the Cr.P.C.'), no Court shall take cognizance of an offence punishable under Chapter XXI of the IP.C., except upon a complaint made by some person aggrieved by the offence. Its proviso says that when such person is under the age of eighteen years, some other

person, may with the leave of the Court, make his complaint or on her / his behalf. In the present case complainant victim child Kum. Komal Dnyaneshwar Jagtap was minor child below the age of eighteen years.

5) Section 500 of the I.P.C. deals with the punishment for defamation under Chapter XXI of the I.P.C. No such person aggrieved by the offence or next friend of victim child as per Sec. 199 (1) of the Cr.P.C. filed the complaint for the offence punishable under Sec. 500 of the I.P.C. against the accused. So this Court cannot take cognizance of offence punishable under Sec. 500 of the I.P.C. Therefore, charge for the offence punishable under Sec. 500 of the I.P.C. cannot be framed against the accused and he is liable to be discharged under Sec. 227 of the Cr.P.C., for the offence punishable under Sec. 500 of the I.P.C. Therefore, charge for the other offences punishable under Secs. 323, 354-A, 354-B, 506 of the I.P.C., under Sec. 12 of the POCSO Act - 2012 and under Sec. 67 of the I.T. Act - 2000 only are required to be framed against the accused. Hence, the order.

ORDER

1) The accused is hereby discharged for the offence punishable under Sec. 500 of the I.P.C., as this Court cannot take its cognizance without filing the complaint by guardian or next friend of the minor victim.

2) Charge for the offences punishable under Secs. 323, 354-A, 354-B, 506 of the I.P.C., under Sec. 12 of the POCSO Act - 2012 and under Sec. 67 of the I.T. Act - 2000, be framed against the accused.

Place – Baramati
Date - 18/09/2021

(A.A. Shahapure)
Special Judge (POCSO), Baramati.

CERTIFICATE

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

Name of Steno : S.K. Potdar , Stenographer (H.G.)

Court Name : Shri. A.A. Shahapure,
Extra Joint District Judge & Addl.
Sessions Judge, Baramati.

Date : 18/09/2021

Judgment signed by P.O. on : 20/09/2021

Judgment uploaded on : 27/09/2021