



CNR.No. MHRG010007752024.

**Special (POCSO) Case
No.19/2024.**

State of Maharashtra.

Versus.

Laxman Lahu Aavate.

Judgment Exh. No.25 Contd...

Presented on : 09.07.2024.
Registered on : 09.07.2024.
Decided on : 24.04.2026.
Duration : 01 09 15
Ys. Ms. Ds.

Exhibit No : 25

T. P : 15

Form No. XXXII.

PART – 'A'

(Title Page of Judgment).

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

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE,

ALIBAG, DIST. RAIGAD.

(Presided by Smt. Sunita Tiwari.)

Special (POCSO) Case No.19/2024.

(Delivered on this 24th day of April, 2026.)

FIR/Crime No. : **161/2024.**

Offences : **p/u/s 376 (2)(n) of the**
P/U/Sec/s. **Indian Penal Code and**
p/u/s 4(2), 12 of the
Protection of Children
from Sexual Offences
Act.
(B.N.S. & POCSO for brevity).

Police Station : **Pen Police Station,**
Taluka Pen ; District Raigad.

Complainant : **The State of Maharashtra,**
Through P. S.O ;
Pen Police Station.
Taluka Pen, District Raigad.

Informant : **Ambi Nagesh Sutak.**
Represented by : **Shri. Santosh Pawar.**
The Ld. D.G.P. for the State.
Laxman Lahu Aavate,

Accused **Age : 20 years ; Occ : Service;**
R/o Nandadi, Pen, Tal. Pen, Dist.
Raigad.

Represented by : **Mr. Roshan Patil.**
Ld.Adv. For accused

PART – ‘B’

(Para 4 (ii) of Chapter VI of The Criminal Manual)

Date of Offence : **May 2023 to**
20.04.2024.

Date of FIR : **17.05.2024.**

Date of Charge-Sheet : **09.07.2024.**

Date of framing Charge : **12.09.2025.**

Date of commencement of evidence : **11.02.2026.**



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Date on which Judgment is reserved : 24.04.2026.
Date of Judgment : 24.04.2026.
Date of sentencing order ; if any : Acquittal.

DETAILS OF ACCUSED

Rank of the accused	Name of the 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 of Cr.PC.
1.	Laxman Lahu Aavate.	--	--	p/u/s 376 (2)(n) of the Indian Penal Code and p/u/s 4(2), 12 of the Protection of Children from Sexual Offences Act.	Acquitted	Not Applicable	Not Applicable

PART 'C'

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

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES.

A. Prosecution Witnesses :-

Rank	Name	Exhibit	Nature Of Evidence
1.	Ambi Nagesh Sutak	9	Informant.
2.	Nagesh Rama Sutak	10	Father of victim.
3.	XXX	11	Victim.
4.	Pradeep Pandurang Pokale	14	Investigating Officer.

B. Defence Witnesses :-

Rank	Name	Nature Of Evidence
Nil	Nil	Nil

C. Court Witnesses :-

Rank	Name	Nature Of Evidence
Nil	Nil	Nil

List of Prosecution/Defence/Court Exhibits :-

A. Prosecution Exhibits :-

Sr. No.	Exhibit Number	Description
1.	Article A	Statement u/s 164 of Cr.P.C. of the complainant.
2.	15 & 16	Signatures of LPC Warde on complaint & F.I.R.
3.	17	Letter forwarded by I.O. to Court for recording statement u/s 164 of the then Cr.P.C. of complainant & victim.
4.	18	Letter forwarded by I.O. to Medical Officer for medical examination of victim.
5.	19	Letter forwarded by I.O. to Medical Officer for medical examination of accused.
6.	20	Letter forwarded by I.O. to F.S.L. Kalina for analysis of DNA samples of the victim, accused and aborted fetus.



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7.	21	Spot panchanama.
8.	22	Letter forwarded by I.O. to Head Master Government Ashram School Varsai for obtaining bonafide & Leaving certificate of the victim.

B. Defence Exhibits/Admitted by the Defence :-

Sr. No.	Exhibit Number	Description
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C. Court Exhibits :-

Sr. No.	Exhibit Number	Description
1.	5	Charge
2.	24	Statement of accused u/s 351 of B.N.S.S.

Material Objects :-

Sr. No.	Material Object Number	Description
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JUDGMENT.

(Delivered on this 24th day of April, 2026.)

Accused stands prosecuted for the offences **p/u/s 376 (2)(n) of the Indian Penal Code** and **p/u/s 4(2), 12** of the Protection of Children from Sexual Offences Act. (hereinafter referred to as **IPC & POCSO** for brevity) upon a police report filed by the mother of the victim- PW1 Complainant Ambi Nagesh Satak (hereinafter referred to as **“PW1 Complainant”** for brevity) and charge sheet submitted by Police Station Pen, Tal. Alibag, District Raigad.

Prosecution Matrix.

02] PW1 complainant, her husband and their minor daughter – victim reside at Dhavral, Varsai, Tal.Pen, Dist. Raigad and are vegetable vendors. On 13.05.2024 the minor victim disclosed to her that she had not got her menses since past 02 months hence took her to Galaxy Hospital on 17.05.2024 and opined as being pregnant. On inquiry with her the minor victim revealed that she had developed love affair with the accused since March 2023 and after May 2023 developed physical intimacy. Hence they called the accused at Galaxy Hospital Pen and accused admitted the same and insisted upon to marry with her out of his love. However accused well knew that victim was minor and yet he kept physical intimacy with her hence the complainant lodged a report this of at Pen Police Station vide Cr.No.161/2024 for the offences *ibid*.

03] Police investigated the same and in investigation,

- Recorded the statement of the victim in presence of the



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Mahila Dakshata Committee Member.

- Referred the victim for medico legal examination and received her MLC.
- Recorded the statements of witnesses – father, mother of the victim, Medical Officers- Pen & Alibag and others.
- Got recorded the statements of the victim and her mother- PW1 complainant u/s 183 of the BNSS by Ld. J.M.F.C. Pen; received them.
- Prepared the spot panchanama in presence of the panchas.
- Requested for DNA kits and DNA examination of samples of DNA of the victim, accused and the dead baby and sent the same for DNA analysis at F.S.L. Kalina.
- Produced the accused alongwith the chargesheet; referred him for medical examination, received his MLC; collected his DNA sample.
- Collected school leaving certificate, birth certificate etc. of the victim.

and on completion of investigation charge-sheeted the accused for the offences ibid.

Charge :-

04] Accordingly I issued process against the accused for the offences ibid and proceeded and framed charge against the accused vide Exh.5 dated 12.09.2025 for the offences ibid and read it over and explained to the accused in his language; recording his plea vide Exh.6 wherein he pleaded not guilty and claimed trial.

Statement of Accused :-

05] The incriminating evidence was put to the accused- vide statements u/sec.351 of the B.N.S.S. vide Exh.24. Defence of the accused is of total denial and false implication.

06] In such circumstance of the case; following point arise for determination and I have recorded my findings, thereon, as under ; for the reasons to follow :

SR.No.	POINTS	FINDINGS
1.	Whether the prosecution proves that, during May 2023 till 20.04.2024, near Government Ashram School Varsai, Tal.Pen as well as the Canal area adjoining Motiram Talav at Pen, Tal.Pen, Dist. Raigad, the accused knowing that victim was minor at that time and incapable of giving any consent – committed sexual intercourse time and again, making her pregnant ?	No.
2.	What offences if any are committed by and proved against the accused ?	None.
3.	What order ?	Accused is



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acquitted.

REASONS

Evidence :-

07] Prosecution has examined 04 witnesses in support of its case viz. - mother of the victim PW1 Complainant vide Exh.9, father of the victim as PW2 at Exh.10, victim qua PW3 vide Exh.11 and PW4 I.O. PSI Pradeep Pandurang Pokale vide Exh.14 and has relied upon the documents – as mentioned in detail in the list of Prosecution Exhibits – on page No.04 and closed evidence vide pursis Exh.23.

08] Defence has not examined any witness nor has relied upon any document.

Arguments :-

09] Heard Smt. Smita Dhumal, the ld. A.P.P for the State and Mr. Roshan Patil the Ld. Defence Counsel.

Findings :-

As to point No.1 to 3 :

10] As all points are interrelated and involve conjoint

appreciation of evidence; these points are commonly appreciated, reasoned and rendered in findings as infra :-

11] Though the prosecution has examined the mother of the minor victim qua PW1 vide Exh.9, she has specifically mentioned that she is illiterate and does not know numericals. That the minor victim was in the adolescence – beginning of puberty – with irregular menses and hence took her to doctor and as her period was not regular just for a month the doctor expected possible pregnancy. However neither the doctors are examined nor any document produced on record to prove that the minor victim was pregnant as such and that too by the accused.

12] Further the victim though minor was 14 years old and disclosed of her love with the accused and intention to marry him. That the accused is also of their caste and hence they had no objection for their marriage but as victim was minor the marriage was postponed. That she had not stated anything before the police but merely affixed the thumb mark and police had not read over the contents of the complaint to her. It was the doctor who called the police and that it was not her who made any complaint.

13] She further deposes that though her statement was recorded in the Pen Court she cannot recall the contents thereof and also cannot recall whether she affixed her thumb mark. Hence her evidence is of no use to the prosecution case to fasten the accused with any criminal liability.



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14] Identically same is the evidence of the father of the minor victim – PW2 Ambi Nagesh Sutak whose evidence also has no proof of incriminating evidence against the accused especially when he deposes that initially as well as at the time of report and thereafter recording of his 164 Cr.PC. statement as well as evidence in the Court, he has no complaint whatsoever against the accused at all.

15] As far as the prime witness – the minor victim PW3 is concerned she deposes that she knows the accused as he is from their caste and that she had friendly relations with him and wanted to marry him. Her family also knew the same and consented thereto but postponed the marriage as she was minor. She has also reiterated that in the year 2024 she was school going and had narrated to her mother about he stomach pain as her mensus was not regular and hence taken to the hospital but nowhere she deposes at all that she had any physical intimacy with the accused or that she was pregnant by him. But on the contrary, deposes that she and accused were in love, her parents

had no objection and she was underage and hence is waiting for marriage. Further she also deposes that one lady police inquired with her but cannot recall whether her statement was recorded or not. Similarly she also deposes that she cannot recall what she had narrated before the J.M.F.C. Court Pen. Hence in such such circumstances her evidence also lacks the degree of proof necessary in a criminal trial to bring home the guilt of the accused for the offences charged or otherwise.

16] In such circumstances and for these reasons even though the prosecution has examined the I.O. PSI Pradeep Pandurang Pokale, his evidence is of no use to the prosecution case as the complaint and F.I.R. was lodged by another police staff who is not examined and hence no incriminating exhibits are marked – no incriminating documents are proved by him. In the result that his evidence assumes merely a formal character, *ispo facto*, insufficient to warrant the conviction of the accused for any offence. Especially when none of the medical officers from Galaxy Hospital Pen, Sub District Hospital Pen and District Hospital Alibag are examined by the prosecution.

17] Hence rest of the other formal documentary evidence of spot panchanama and medico legal examination report of the victim and the accused on record about age of the victim, various letters and memos etc. are *per-se* of no use to prove the guilt of the accused for any offence. Hence prosecution has miserably failed to prove any offence against the accused beyond



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reasonable doubt. Hence I negate point No.1 & 2.

As to point No.3 :-

18] In the light of my findings on point No.1 & 2 in the negative, prosecution has failed to prove any offence against the accused. Consequently the accused is entitled to acquittal. Hence I pass the order infra qua answer to point No.3 -

ORDER

1. The accused **Laxman Lahu Aavate** is hereby acquitted u/s 258 (1) of The Bhartiya Nagari Suraksha Sanhita, 2023; of the offences p/u/s a) p/u/s 376(2)(n) of the **Indian Penal Code** and b) p/u/s 4 (2) & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. His bail bond stands cancelled. Surety is discharged. He be set at liberty forthwith, if not required in any other crime.
3. He shall furnish PRB and SSB of Rs.15,000/- (Rs.Fifteen Thousand Only) each; as per section 481 of The Bhartiya Nagari Suraksha Sanhita, 2023.

4. Proceedings closed. Case papers be filed. Stamps be punched. Record be consigned to the record room; after the appeal period is over.

(Dictated, delivered and pronounced in open court.)

sd/-

Alibag-Raigad.

Date : 24.04.2026.

(**Smt. Sunita Tiwari.**)

Special Judge (POCSO) Court;
& Additional Sessions Judge,
Alibag-Raigad.

MHRG01.

(Mr. Lavesh R. Raut).

(Stenographer (Gr-2)).

Judgment Dictated & Typed on : 24.04.2026.

Judgment Corrected on : 24.04.2026.

Judgment Printed on : 24.04.2026.

Judgment Pronounced in Open Court on: 24.04.2026.

Judgment Signed on : 24.04.2026.



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CERTIFICATE.

I affirm that the contents of this PDF file Judgment; are in verbatim; as per the original.

Name of the Steno : Mr. L. R. Raut (Steno)(Gr-2)
Name of the Court : Additional Sessions Judge,
Raigad-Alibag.
Date of Judgment : 24.04.2026.
Judgment signed by the PO on : 24.04.2026.
Judgment uploaded on : 24.04.2026.

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