



CNR.No. MHRG010011692024.

**Special (POCSO) Case
No.37/2024.**

State of Maharashtra.

Versus.

Vilas Aasha Gadkhal

Judgment Exh. No.16 Contd...

Presented on : 04.10.2024.
Registered on : 04.10.2024.
Decided on : 13.03.2026.
Duration : 01 05 09
Ys. Ms. Ds.

Exhibit No : 16

T. P : 13

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.37/2024.

(Delivered on this 13th day of March, 2026.)

FIR/Crime No. : 232/2024.

Offences : p/u/s 137(1), 64(2)(i),
P/U/Sec/s. 64(2)(m) of the
Bharatiya Nyaya
Sanhita, 2023 and
p/u/s 4, 8 & 12 of the
Protection of Children
from Sexual Offences
Act, 2012.
(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 : Nira Laxman Jadhav.
Represented by : Smt. Smita Dhumal & Mr. Bahiram.
The Ld. A.P. P. for the State.
Vilas Aasha Gadkhal.

Accused : Age : 22 years ; Occ : Labourer;
R/o Bandhani, Po. Divanmal, Tal.Pen,
Dist. Raigad.

Represented by : Mr.Ahad Adhikari & Mr. Chandrabhan
Singh.
Ld.Adv. For accused

PART – ‘B’

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

Date of Offence : Within an year
prior to and upto
03.08.2024



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Date of FIR : 07.08.2024.
 Date of Charge-Sheet : 04.10.2024.
 Date of framing Charge : 17.12.2025.
 Date of commencement of evidence : 09.03.2026.
Date on which Judgment is reserved : --
Date of Judgment : **13.03.2026.**
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.	Vilas Aasha Gadkhal.	--	--	p/u/s 137(1), 64(2)(i), 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and p/u/s 4, 8 & 12 of the Protection of Children from Sexual Offences Act,2012.	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.	Nira Laxman Jadhav	8	Informant.
2.	XXX	9	Victim
3.	Shilpa Satish Vengurlekar	10	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	School leaving certificate of the victim.

B. Defence Exhibits/Admitted by the Defence :-

Sr. No.	Exhibit Number	Description
1.	11	Spot panchanama.
2.	12	Medical Examination Report of victim.



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3. 13 Medical Examination Report of accused.

C. Court Exhibits :-

Sr. No.	Exhibit Number	Description
1.	4	Charge
2.	15	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 13th day of March, 2026.)

Accused stands prosecuted for the offences **p/u/s 137(1), 64(2)(i), 64(2)(m)** of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as **B.N.S.** for brevity) and **p/u/s 4, 8 & 12** of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as **POCSO** for brevity) upon a police report filed by the mother of the victim- PW1 Complainant Nira Laxman Jadhav (hereinafter referred to as

“PW1 Complainant” for brevity)and charge sheet submitted by Police Station Revdanda, Tal. Alibag, District Raigad.

Prosecution Matrix.

02] PW1 complainant, her husband and their daughter – victim reside at Bandhani, Po. Diwanmal, Tal.Pen, Dist. Raigad and do labour work. That the victim eloped with the accused and married him and became 07 months pregnant. That on 03.08.2024 at about 08.00 a.m. she complained of pain and was taken to P.H.C. Pen and was referred to Civil Hospital Alibag. She was admitted and on the next day gave birth to a pre mature baby who succumbed to death on next day – 08.08.2024. Hence the complainant lodged a report this of at Pen Police Station vide Cr.No.245/2024 for the offences ibid.

03] Police investigated the same and in investigation,

- Recorded the statement of the victim in presence of the 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 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 but no such sealed envelope are filed with the chargesheet.
- Prepared the spot panchanama in presence of the



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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 accordingly and framed charge against the accused vide Exh.4 dated 17.12.2025 for the offences ibid and read it over and explained to the accused in his language; recording his plea vide Exh.5 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.15. 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, an year prior to and upto 03.08.2024 at Bandhani, Post. Diwanmal, Tal.Pen, Dist. Raigad, the accused knowing that victim was minor at that time and incapable of giving any consent – enticed with her and 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 acquitted.

REASONS

Evidence :-

07] Prosecution has examined 03 witnesses in support of its case viz. - mother of the victim PW1 Complainant vide Exh.8, victim qua PW2 vide Exh.9, and PW3 I.O. PSI Shilpa Satish Vengurlekar vide Exh.10 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.14.



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

Arguments :-

09] Heard Mr. Dilip Bahiram, the ld. A.P.P for the State and Mr.Ahad Adhikar & Mr. Chandrabhan Singh 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 victim qua PW1 vide Exh.8, she has specifically mentioned that she is illiterate and Police had inquired only her name and whereabouts but not made any other inquiry with her. That she does not know what police had recorded. That police had not read over anything to her and that her daughter – victim was above 18 years of age when she was married to the accused and

that she never had any complaint against the accused prior to and till moment and does not want to proceed against the accused and turned hostile to the prosecution case and thereby absolves the accused of any criminal liability for any offence whatsoever, charged or otherwise. Hence her evidence is of no use to the prosecution case at all.

12] Similarly the victim PW2 deposes that accused is her husband and she is residing and cohabiting with him and that neither she nor her mother had filed any complaint before any authority against the accused. That Police had also made no inquiry with her. That she is also illiterate and cannot recall whether she had affixed her thumb mark on any paper and much so that she has no complaint against her accused husband and does not want to proceed against him. In the result that she too has turned hostile to the prosecution case and hence her evidence is also of no use to prove any conclusive nexus between the accused and the alleged offences.

13] In such circumstances and for these reasons even though the prosecution has examined the PW3 one of the I.O. PSI Shilpa Satish Vengurlekar, is of no use to the prosecution case as the entire investigation is done by earlier P.S.O. and hence no exhibits are marked – no documents are proved by her. In the result that her evidence assumes merely a formal character, *ispo facto*, insufficient to warrant the conviction of the accused for any offence.



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14] Hence rest of the other documentary evidence of admitted 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 reasonable doubt. Hence I negate point No.1 & 2.

As to point No.3 :-

15] 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 **Vilas Aasha Gadkhal** is hereby acquitted u/s 258 (1) of The Bhartiya Nagari Suraksha Sanhita, 2023; of the offences p/u/s a) p/u/s 137(1), 64(2)(i), 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and b) p/u/s 4, 8 & 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 cosigned to the record room; after the appeal period is over.

(Dictated, delivered and pronounced in open court.)

sd/-

Alibag-Raigad.

Date : 13.03.2026.

(**Smt. Sunita Tiwari.**)

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

MHRG01.

(Mr. Lavesh R. Raut).

(Stenographer (Gr-2)).

Judgment Dictated & Typed on : 13.03.2026.
Judgment Corrected on : 13.03.2026.
Judgment Printed on : 13.03.2026.
Judgment Pronounced in Open Court on: 13.03.2026.
Judgment Signed on : 13.03.2026.



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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 : 13.03.2026.
Judgment signed by the PO on : 13.03.2026.
Judgment uploaded on : 13.03.2026.

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Hence this is uploaded without digital signature.**