

MHRG170012732020



Presented on :22/01/2016
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Decided on :07/08/2026
Duration : yy/mm/days
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IN THE COURT OF SPECIAL JUDGE AT PANVEL, DISTRICT- RAIGAD

(Presided over by Mr. M. B. Oza)

SPECIAL CASE (POCSO) NO.155/2020

Exh. No.40/A

Prosecution { **The State of Maharashtra**
Through Police Inspector, Nhavasheva
Police Station, Navi Mumbai.
(Crime No.78/2015)

Represented by : Ld. Spl. P. P. Smt. Madhuri Thalkar

Versus

Accused { **Shubham Kamlakar Patil**
Age: 29 yrs. Occupation- Job
R/o. Belpada, Po- Jasai, Tal- Panvel,
Dist- Raigad.

Represented by : Ld. Advocate Mr. Pravin Thakur

Date of Offence : 19/05/2014 to
30/08/2015
Date of FIR : 31/08/2015
Date of Charge sheet : 18/01/2016
Date of Framing of charges : 29/12/2023
Date of commencement of evidence : 08/07/2026
Date on which judgment is reserved : -
Date of the Judgment : 07/08/2026
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 Section 428 of CrPC
1	Shubham Kamlakar Patil	03/09/2015	03/09/2015	u/s.354 & 354A, 417 of the IPC & u/s.7, 8, 9, 10, 11 & 12 of POCSO Act	Accused is acquitted.	-----	-----

List of Prosecution Witnesses

Rank	Name	Nature of Evidence
PW No.1 at Exh.17	Divya Ketan Kathara	Victim/Complainant
PW No.2 at Exh.21	Vinod Anant Mhatre	Witness
PW No.3 at Exh.25	Sachin Ramchandra Mhatre	Panch Witness
PW No.4 at Exh.31	Baburao Navnath Gavade	Investigation Officer
PW No.5 at Exh.37	Rajesh Shantaram Devare	Investigation Officer

List of Prosecution Exhibits

Sr. No.	Exh. Nos.	Description
1.	Exh.18	Complaint
2.	Exh.19	First Information Report
3.	Exh.20	Statement u/s.164 of the CrPC of Victim
4.	Exh.24	Verified zerox copy of victim's school leaving certificate.
5.	Exh.26	Spot Panchnama
6.	Exh.32	Letter Dt.02/09/2015

7.	Exh.33	Letter Dt.02/09/2015
8.	Exh.34	Arrest form of accused.
9.	Exh.38	Closed evidence pursis of Prosecution

List of Defense Witnesses

Rank	Name	Nature of Evidence
Nil		

List of Defense Exhibits

Sr. No.	Exhibit Number	Description
Nil		

List of Court Witnesses

Rank	Name	Nature of Evidence
Nil		

List of Court Exhibits

Sr. No.	Exhibit Number	Description
Nil		

Material Objects

Material Object No.	Description
A	Zerox Copy of victim's 10 th School Leaving Certificate
B	Log book entry

JUDGMENT(Delivered on 07th August 2026)

Accused is facing charges for offence punishable u/s.354, 354A & 417 of Indian Penal Code, 1860 and u/s.7, 8, 9, 10, 11 & 12 of the Protection of Children from Sexual Offences Act, 2012.

1. In brief case of the prosecution is as follows -

Complainant/victim is of age of 17 years 3 months. She resides along with her mother, father, brother and sister at fire brigade

colony, New Panvel. The complainant's father is driver in fire brigade department. The complainant mother is house wife. The complainant studying in 11th standard. The complainant friend introduced accused to the complainant. The accused gave proposal for marriage. Thereafter, the complainant and accused were in continuous contact with each other. The complainant and accused together used to go to Vimala lake, JNPT township. The accused used to always phone to the complainant and used to put proposal for marriage. Four months prior to the complaint the complainant's parent came to know about this love relation due to which complainant was afraid and stop meeting the accused. But accused used to always phone to the complainant and asked for marriage. The accused used to come close to the complainant and used to give kiss to the complainant. On 24/08/2025 the complainant met accused at that time complainant asked to the accused about doing marriage at that time accused said to complainant that he will definitely do marriage. Thereafter, complainant informed her mother's sister. Thereafter, the complainant's mother sister and uncle went to accused house for talk about marriage proposal but the accused family members refused for marriage. After knowing this fact the complainant got into tension and drank phenyl. The complainant informed her Aunty about drinking phenyl. The complainant was taken to Uran Government Hospital. The hospital authorities gave call to the Nhavasheva police station. API Bapurao Gavade was on duty. The woman police officer PSI Bharti who was on duty along with lady constable Patil went to Uran Government Hospital

where complainant was admitted. The complainant gave complaint against the accused and PSI Bharti took the complaint and brought that complaint at police station and gave that complaint to API Bapurao Gavade.

2. On basis of complaint of complainant/victim, API Bapurao Gavade registered the FIR No.78/2015 for offence punishable u/s.354, 354A & 417 of the IPC, 1860 and u/s. 7, 8, 9, 10, 11 & 12 of the POCSO Act 2012 at Nhavasheva Police Station, Navi Mumbai. During investigation I.O. API Bapurao Gavade went to both incidents spot by Government vehicle and carried out spot panchanama in the presence of complainant and panchas. Medical examination of victim was conducted in the Government hospital and those medical documents were collected by I.O. Statement u/s.164 of the CrPC of victim was recorded by JMFC, Panvel, Dist- Raigad. I.O. collected documentary evidence like complainant's school leaving certificate. Accused was arrested on 03/09/2015 by I.O. and arrest form was prepared. The next I.O P.I. Rajesh Devare recorded statements of witnesses. After completion of investigation, charge-sheet was filed.
3. Charge at exh.8 was framed by my Ld. Predecessor for offence punishable u/s.354, 354A & 417 of the IPC, 1860 and u/s. 7, 8, 9, 10, 11 & 12 of the POCSO Act 2012. Contents of charge were read over & explained to accused in vernacular to which he pleaded not guilty and claimed trial.
4. Prosecution has examined total five witnesses. Prosecution closed its evidence on 05/08/2026. Accused has not examined

any witness in his defense. Statement u/s.313 of the CrPC of accused is recorded at exh.39. Defense of accused is of total denial & false implication. The Ld. Spl. P. P argued that prosecution has examined a complainant victim. Ld. Spl. P. P further argued that the prosecution has examined the complainant, I.O. and proved the complaint, FIR and various panchanamas. Ld. Spl. P. P further argued that prosecution has proved its case and accused be punished. Ld. Spl. P. P further argued that there was chain of custody of samples and custody of samples is proved. Ld. Spl. P. P further argued that there is no reason to falsely implicate the accused. It is the defence of accused that there is no evidence against the accused.

5. Perused evidence on record. Points for determination along with my findings thereon are as follows-

Sr. No.	Points	Findings
1.	Does prosecution prove that accused from 19/05/2014 to 24/08/2015 at Belpada, Panvel, Dist- Ragiad & at. Vimala Lake, JNPT township garden, you outraged the modesty of minor victim, physically contacted the minor victim by kissing & hugging her and tried to contact her to meet repeatedly despite a clear indication of disinterest and there by committed offence u/s.354 & 354A of the IPC, 1860?	No.
2.	Does prosecution prove that accused cheated the minor victim by giving false promise of marriage and there by committed offence u/s.417 of IPC, 1860 ?	No.
3.	Does Prosecution prove that accused committed sexual assault & sexual harassment on minor victim and there by	No.

	committed offence u/s.7, 8, 9, 10, 11 & 12 of the POCSO Act, 2012?	
4.	What Order?	Accused is acquitted

REASONS

As To Point No.1 to 3-

6. All the points are connected to each other hence, they are taking together for discussion. PW No.1 complainant stated in her evidence that through her friend she came in contact with accused. PW No.1 stated that she and accused was in love relation with each other. PW No.1 stated that accused had proposed her for marriage and she accepted the proposal of marriage. PW No.1 stated that she and accused used to visit Vimala Lake, Uran and at JNPT Township garden. PW No.1 stated that her parents, uncle & brother had gone to the house of the accused and met his parents and at that time the accused and his parents refused for the marriage. PW No.1 stated that accused refused to perform marriage with her. PW No.1 stated that she gave complaint Exh.18 on 30/08/2015 and FIR Exh.19 was registered. PW No.1 stated that police sent her for medical. PW No.1 did not stated in her evidence that on what date for the first time accused met her. PW No.1 did not stated in her evidence that what was the date, month & time when she had gone with accused at Vimala Lake and JNPT Township garden. PW No.1 did not stated in her evidence that how many times she had gone with accused at Vimala Lake and JNPT Township garden. PW No.1 did not stated in her evidence that what was her mobile number and mobile number

of accused. PW No.1 did not stated in her evidence that whether she gave mobile details of her mobile and accused mobile to the police. PW No.1 did not stated in her evidence that whether she handed over her mobile and mobile of accused to the police. PW No.1 did not stated in her evidence that whether any police officer had made any inquiry with her or with her parents or her friends about on what date, month & time both of them met with each other. PW No.1 did not stated in her evidence that on what date & month she used to phone to the accused. In complaint Exh.18 it is mentioned that the complainant met the accused on 21/05/2014 for the first time along with her friend. PW No.1 did not stated in her evidence that I.O. collected her call details from her mobile. In complaint Exh.18 it is mentioned that four months prior to giving of this complaint her parents came to know about her relation with the accused but PW No.1 did not stated in her evidence this fact which is mentioned in complaint. In complaint Exh.18 it is mentioned that she was frightened and did not had further contact with accused but this fact she did not stated in her evidence. PW No.1 did not stated in her evidence that she drank phenyl as stated in the complaint Exh.18. PW No.1 did not stated in her evidence that she shows any phenyl bottle to the police. PW No.1 did not refer any documents showing her birth.

7. PW No.2 is father of PW No.1. PW No.2 stated in his evidence that he is residing with his family. PW No.2 stated that in 2015 complainant was taking education and he came to know that

she was having love relation with accused. PW No.2 stated that complainant is married to another boy and her family is running smoothly with her husband. PW No.2 stated that because of this case the life of complainant will get spoil. PW No.2 stated that he does not remember whether police had taken any documents of birth date of complainant. PW No.2 stated that the charge-sheet papers contains copy of school leaving certificate Article 'A'. PW No.2 produced verified copy of school leaving certificate copy Exh.24 of complainant. PW No.2 also stated in his evidence that he had given copy of birth certificate of complainant & accused. PW No.2 admitted that there was love relation between complainant & accused and they had not given any complaint at police station against the accused. PW No.2 stated that they have no grievance against the accused. PW No.2 in his evidence did not stated that her daughter complainant had drunk phenyl.

8. PW No.3 Sachin Mhatre is a panch witness of spot panchanama. PW No.3 stated that on 01/09/2015 from 9:00 AM to 11:30 AM police carried out spot panchanama Exh.26 of the spot at Vimala lake at Uran and at township garden Exh.36 in his presence. PW No.3 stated that complainant is his relative. PW No.3 stated that many peoples visit the spot. PW No.3 stated that he came to know on 31/08/2015 that he has to go for panchanama. Prosecution did not examine the other panch witness. PW No.3 is close relative of complainant and interested in the case. He is not an independent panch witness.

9. PW No.4 API Bapurao Gawade is investigation officer. PW No.4 I.O. stated that on 30/08/2015 he was on station officer duty. PW No.4 stated that there was call from the hospital and PSI Bharti went to the hospital and took complaint Exh.18 from complainant. PW No.4 I.O. stated that he registered FIR No.78/2015 at Exh.19. PW No.4 stated that he called to panchas and complainant on 01/09/2015 and carried out spot panchanama Exh.27 of the spot at Vimala lake and garden. PW No.4 I.O. did not stated the name and address of panchas and also did not stated how panchas were called. PW No.4 I.O. did not used panchas belonging from Government Department. PW No.4 stated that he collected the log book entry extract copy article 'B' showing their visit to the spot of incident. Prosecution did not produced the original log book. This article B copy is not proved in evidence. PW No.4 I.O. stated that he also arrested the accused by arrest form Exh.34. PW No.4 I.O. did not stated in evidence in what circumstances she arrested the accused from which place and in whose presence. PW No.4 I.O. did not stated the name and address of the panchas. PW No.4 I.O. did not stated the type of mobile and SIM Card number of complainant and accused. PW No.4 I.O. did not produce mobile of complainant and accused. PW No.4 I.O. admitted in cross-examination that complainant and accused had love relation. PW No.4 I.O. admitted that the complainant had given to him Zerox copy article 'A' School Leaving Certificate as proof of birth date and it was verified by Special Executive Magistrate. PW No.4 I.O. admitted that while doing investigation he had not collected birth certificate of

complainant. PW No.4 I.O. himself has not verified the birth date from complainant's birth certificate. PW No.4 I.O. admitted that many peoples visit the spot of incident but he has not made inquiry from those people nor recorded the statement. PW No.4 I.O. admitted that one panch Sachin Ramchandra Mhatre PW No.3 is known to the complainant's father. So, PW No.4 I.O. has not used independent panch witness like Government servant. PW No.4 I.O. admitted that on first page of spot panchanama Exh.27 the date mentioned is 01/09/2015 and on the next page of spot panchanama the date mentioned is 31/08/2015. PW No.4 I.O. & PW No.5 have not given any explanation as to why there are two dates 31/08/2015 & 01/09/2015 in spot panchanama Exh.27. The spot panchanama Exh.27 shows two dates and therefore, the spot panchanama is doubtful document.

10. PW No.5 I.O. Rajesh Devare stated in his evidence that he recorded statement of witnesses. PW No.5 I.O admitted that the complainant/victim and accused was in love relation and complainant wanted to do marriage with the accused. PW No.5 I.O. stated that he does not know the age of accused at the time of incident. PW No.5 I.O. stated that he only recorded the statement of relatives of complainant and not of any independent witness. PW No.4 I.O. & PW No.5 I.O. has not done proper investigation. PW No.4 I.O. & PW No.5 I.O. has not made inquiry with the friend of the complainant through whom accused came in contact with the complainant. PW No.4 I.O. & PW No.5 I.O. did not record the statement of the

witnesses who may have seen the complainant and accused at Vimala lake and JNPT garden where complainant and accused had visited many times. PW No.4 I.O. & PW No.5 I.O. has not seized any photographs from the mobile of complainant and accused. PW No.4 I.O. & PW No.5 I.O. has not stated the type of mobile and SIM card of complainant and accused. PW No.4 I.O. & PW No.5 I.O. has not seized the mobiles of complainant and accused and also not collected the call records from the mobile of complainant & accused. PW No.4 I.O. & PW No.5 I.O. had not stated in their evidence that complainant PW No.1 had drunk phenyl. PW No.4 I.O. & PW No.5 I.O. had not stated in their evidence that they had seen any bottle of phenyl in the house of complainant. PW No.4 I.O. & PW No.5 I.O. had not stated in their evidence that they had seized any bottle of phenyl from the house of complainant.

11. The evidence of complainant and witnesses are not believable. The I.O. has not done proper investigation. The I.O. has stated in evidence that he has not recorded statement of independent witnesses. There is no medical evidence produced by the prosecution. If evidence of prosecution is considered then testimony of prosecution witnesses is not reliable & trustworthy. Prosecution has failed to prove necessary ingredients of section 354, 354A & 417 of the IPC, 1860 and u/s.7, 8, 9, 10, 11 & 12 of the POCSO Act 2012. Except age, foundational facts are not proved by prosecution therefore, presumption under POCSO Act will not come into operation. Case is not proved beyond reasonable doubt. There is no

evidence against accused to convict him for charged sections. For these reasons point No.1 to 3 are answered in negative and in answered to point No.4, I pass following order.

ORDER

1. Accused **Shubham Kamlakar Patil** is acquitted vide section 235(1) of the CrPC for offences punishable u/s.354, 354A & 417 of the IPC, 1860 and u/s.7, 8, 9, 10, 11 & 12 of the POCSO Act 2012, in crime No.78/2015 registered at Nhavasheva Police Station, Navi Mumbai.
2. Accused is set at liberty.
3. Bail bond of accused stands cancelled.
4. Surety stands discharged.
5. Marked & unmarked Muddemal property be disposed of as per rules after appeal period is over.
6. Accused is directed to furnish bail of Rs.5,000/- in compliance of section 437A of the CrPC.

(Dictated & pronounced in open Court)

Sd/-

Panvel
Date - 07/08/2026

(Mr. M. B. Oza)
Special Judge, Panvel,
Dist.-Raigad.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order are same, word to word as per the original order.

Name of the Stenographer	:	Dipak B. Pawar
Name of the Court	:	Mr. M. B. Oza Special Judge, Panvel, Dist.-Raigad.
Judgment/Order dictated declared & typed on	:	07/08/2026
Judgment/Order signed by Presiding Officer on	:	07/08/2026
Judgment/Order uploaded on	:	07/08/2026