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MH50050001262020		 IN THE SPECIAL COURT (POCSO), PANDHARPUR Presided over by : Shri. A.S. Salgar. (Special Judge (POCSO)) Date of the Judgment – 30.06.2026 Special (POCSO) Case No. 59/2024. Exh. - 26.	
			FIR No. 636/2024 of Sangola Police Station, Tal. Sangola, Dist. Solapur
COMPLAINANT	:		State of Maharashtra
REPRESENTED BY	:	Shri. S. S. Dulange, Learned APP	
ACCUSED	:	Rahul Rajaram Babar.	
REPRESENTED BY	:	Adv. Shri. R. V. Dhokate for accused.	

Date of Offence	09.08.2024 & 22.08.2024.
Date of FIR	24.08.2024.
Date of Charge-sheet	19.10.2024.
Date of Framing of Charge	09.06.2026.
Date of commencement of evidence	22.06.2026.
Date on which judgment is reserved	30.06.2026.
Date of the Judgment	30.06.2026.
Date of the Sentencing Order, if any	None.

Accused Details

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 Cr.PC.
1	Rahul Rajaram Babar, Age – 20 years, Occu. Labour, R/o. - Chikmahud, Tq. Sangola, Dist. Solapur.	24.08.2024.	23.10.2024	74, 75(1)(i), 78, 351(3) of B.N.A. and Sec. 8, 12 of POCSO Act.	Acquitted	--	

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**A. Prosecution :**

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	AAA	7	Victim/Informant.
PW-2	BBB	8	Sister of victim.
PW-3	CCC	9	Brother of Victim.
PW-4	Snehal Vilas Chavan	16	Investigation Officer.

B. Defence Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil.		

C. Court Witnesses, if any :

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil.		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit Number	Description
1	17	FIR.
2	11, 12	Spot panchnama.
3	19	Letter issued to Head Master
4	20	Letter issued to Ld. Magistrate
5	21	Bonafide Certificate

B. Defence :

Sr. No.	Exhibit Number Admitted by Defence	Description
-	-	-

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	02	Charge

D. Material Objects :

Sr. No.	Exhibit Number	Description
1	-	-

JUDGMENT

(Delivered on 30.06.2026)

(In view of directions and guidelines of the Hon'ble Apex Court in Nipun Saxena and another Vs. Union of India and other, (2019) 2 SCC 703, the identification of victim, her relatives, key witnesses and

their addresses have been not disclosed in this judgment.)

01. The accused is prosecuted for the offences punishable under Sections 74, 75(1)(i), 78, 351(3) of B.N.S. and under Sec. 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

Brief facts of the prosecution case is as under :

02. Informant / victim is aged of 17 years 08 months. She resides along with her mother and sister. Her sister is married one. She is studying in 12th standard in college. She know the accused as he is relative. Before 15 days from the date of incident the accused made call to the victim and said to her that he likes her and he want to marry with her. She told the accused that she do not want to marry with him. The accused was repeatedly making call to her. On 09.08.2024 at about 12.00 noon she was returning from college towards her house. The accused followed the victim and said to the victim that he want to talk with her. She refused to talk with him and she left that place. On 11.08.2024 when she was passing near Ekhatpur Bridge at that time accused came behind her and said to her that he likes her and he want to marry with her. She said to accused that she do not want to marry with him. The accused forcibly caught hold of the hand of victim and pulled her and he kissed to the victim. She refused the accused and she was leaving that place, at that time the accused threatened to the victim by uttering the words that if she disposed this incident to anybody then he will kidnap her and kill to her mother. Thereafter the victim went to

the house. On 22.08.2024 when she was going towards the college at that time the accused followed the victim and he stopped the victim and said to her that he want to talk with her. She replied that she do not want to talk with him. Thereafter the accused left that place. Hence, the informant lodged report against accused at Sangola Police Station on the ground that during the period 09.08.2024 to 22.08.2024 the accused used to make call to the victim on mobile and repeatedly followed the victim. On 11.08.2024 near the bridge the accused forcibly caught hold the hand of the victim and pulled the victim and kissed her. The accused also threatened to kill to mother of the informant. Thereby accused outraged modesty of the victim.

03. On the basis of said report Sangola police station registered offence punishable under 74, 75(1)(i), 78, 351(3) of B.N.S. and under Sec. 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). vide C.R. No. 636/2024.

04. During the course of investigation, the investigating officer recorded statements of witnesses and drawn spot panchanama. The accused was arrested and panchnama was drawn. The I.O. also issued letter to Magistrate for recording statements of witnesses under sec. 164 of Cr.P.C. The I.O. collected the bonafide certificate of the victim. After completion of investigation, the investigating officer submitted charge-sheet against the accused before Special Court.

05. The charge was framed by me at Exh. 02 against the accused for the offenses punishable under Sec. 74, 75(1)(i), 78, 351(3)

of B.N.S. and under Sec. 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The contents of charge was read over and explained to the accused in vernacular in Marathi. He has pleaded not guilty and claimed to be tried. His defense is of total denial and false implication in the crime.

06. To prove the guilt of accused, the prosecution has examined in all four witnesses. PW-01 AAA i.e. victim is examined at Exh. 7, BBB (Sister of victim) examined at Exh. 8 and Brother of Victim is examined at Exh. 9 and the I.O. PW-4 Snehal Chavan examined at Exh. 16. The prosecution filed evidence close pursis at Exh. 24. Also prosecution relied on documentary evidence FIR Exh. 17, Spot panchanama Exh. 11 and 12, arrest panchnama Exh. 10, and bonafide certificate of victim Exh. 21, etc.

07. The Statement of accused under section 313 of Cr.PC. was recorded at Exh. 25. His defense is of total denial. However he did not adduce any defense evidence.

08. After going through the prosecution case and evidence on record, following points arises for my determination and I have recorded my findings against them for the reasons stated below.

Sr. No.	POINTS	FINDINGS
01.	Whether the prosecution proved that accused on 12.00 hours of 09.08.2024 to 12.30 hours of 24.08.2024, near Ekhatpur Bridge Road, Sangola	In the negative

Vidyamandir and Jr. College, Sangola, assaulted and used criminal force to the minor victim and with intention to outrage her modesty and held her hand and said victim that, माझे तुझ्यावर खूप प्रेम आहे, मला तुझ्याशी लग्न करायचे आहे, Kissed victim on cheek and asked her to kiss and thereby committed an offence punishable u/s. 74 of the B. N. S., 2023 ?

- | | |
|--|------------------------|
| 02. Does prosecution prove that on the aforesaid date, time and place the accused sexually harassed minor victim and thereby committed an offense punishable u/s. 75(1)(i) of BNS ? | In the negative |
| 03. Does prosecution prove that on aforesaid date, time and place the accused followed a victim to foster personal interaction repeatedly despite a clear indication of disinterest by victim and hereby committed an offense punishable u/s. 78 of BNS, 2023 ? | In the negative |
| 04. Does prosecution prove that on aforesaid date, period and place, accused committed offense of criminal intimidation by threatening the minor victim to cause grievous hurt and thereby committed an offense punishable u/s 351(3) of BNS ? | In the negative |
| 05. Does prosecution prove that on aforesaid date, period and place accused touched the victim, a minor girl with sexual intent and committed sexual assault and thereby committed an offense punishable u/s 8 of the Protection of Children from Sexual Offenses Act, 20012 ? | In the negative |
| 06. That, on the aforesaid date, time and place accused sexually harassed the victim, a minor girl and thereby committed an offense punishable u/s. 12 of | In the negative |

the Protection of Children from Sexual Offences Act,
2012 ?

7. What order ?

**As per final
Order.**

REASONS

09. Heard learned APP Shri. S. S. Dulange for the prosecution and learned advocate Shri. R. V. Dhokate for the accused, at length.

As to point No. 1 to 6 -

10. All these points are inter connected to each other and hence, they are taken together for discussions.

11. It is the case of prosecution that, during the period from 09.08.2024 to 22.08.2024 the accused use to make call to the victim on mobile and repeatedly followed the victim. On 11.08.2024 near the bridge the accused forcibly caught hold the hand of the victim and pulled the victim and kissed her. The accused also threatened to kill to mother of the informant. Thereby accused outraged modesty of the victim. Hence, the accused is charged under section 74, 75(1)(i), 78, 351(3) of B.N.S. and under Sec. 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). To prove the guilt of accused the prosecution has examined in all 4 witnesses.

12. In present case, informant and her sister and brother are material witnesses in this case. It has come in the evidence of PW-1 i.e. informant (victim) that, she knows the accused. Her date of birth is 10.12.2006. In the year 2024 she was studying in 12th standard. She stated that she do not remember when incident occurred. The accused

has not done any act with her. She denied that the accused was following her and caught hold of her hand and kissed her and outraged her modesty. The victim turned hostile. The Ld. APP conducted cross examination of victim. But nothing incriminating brought on record in her cross examination. PW-1 has not stated any incriminating circumstance against the accused. She has not supported prosecution case. Therefore, evidence of PW-1 is not helpful to prosecution.

13. It has come in the evidence of PW-2 (BBB) (Sister of victim) that victim is her sister. She do not know what incident occurred with the victim. The victim has not disclosed anything about the accused to her. The PW-2 turned hostile. The Ld. APP conducted cross examination of PW-2. But nothing incriminating brought on record in her cross examination. PW-2 has not stated any incriminating circumstance against the accused. She has not supported prosecution case. Therefore, evidence of PW-2 is not helpful to prosecution.

14. It has come in the evidence of PW-3 (CCC) (Brother of victim) that victim is her younger sister. He do not know what incident occurred with the victim. The victim has not disclosed anything about the accused to him. The PW-3 turned hostile. The Ld. APP conducted cross examination of PW-3. But nothing incriminating brought on record in his cross examination. PW-3 has not stated any incriminating circumstance against the accused. He has not supported prosecution case. Therefore, evidence of PW-3 is not helpful to prosecution.

15. It has come in the evidence of PW-4 Snehal Chavan that in the year 2024 she was attached to Sangola Police Station as W PSI. She deposed that, on 24.08.2024 she was on duty. At that time informant lodged report against the accused. PSO recorded the said report in her presence and registered the crime. She deposed that, contents of FIR are correct. She visited spot and drawn spot panchnama as per Exh. 11, 12. She also deposed that, she recorded statements of witnesses. She arrested accused and drawn arrest panchnama. She issued letter to Ld. Magistrate for recording statement of witnesses under sec. 164 of Cr.PC. After completion of investigation she filed charge sheet against accused before Special Court. After going through version of PW-4 i.e. I.O. it reveals that, this witness has conducted routine investigation and charge sheeted accused. Her evidence is formal in nature. The evidence of I.O. is not corroborated by version of victim. Under these circumstances the sole testimony of I.O. is insufficient to prove the guilt of accused.

16. In present case, the evidence of informant and her sister (PW-2) and brother of the victim (PW-3) is important one. In present case, the victim herself has turned hostile. So far as evidence of PW-2 and PW-3 is concerned, both these witnesses have turned hostile.

17. In present case, the evidence of victim was very material one. However she has denied entire incident. The victim has denied incidents dated 09.08.2024 and 22.08.2024. She has also denied that,

on 09.08.2024 and 22.08.2024 the accused followed the victim and said to her that she loves her and want to marry with her. She also denied that, the accused kissed her and caught hold of her hand. She denied that the accused outraged her modesty. In present case, none of the prosecution witnesses has stated that, the accused repeatedly followed the victim and said to victim that she loves her and want to marry with her. PW-1 to PW-3 nowhere stated that the accused kissed her and caught hold of her hand. In present case, none of the prosecution witnesses has stated that, the accused kissed her and caught hold of her hand and the accused outraged her modesty. None of the prosecution witness has stated that, accused outraged modesty of informant / victim. There is no evidence to show that, the accused molested the victim. None of the prosecution witness has stated that, the accused threatened to the informant by uttering word that, he will kidnap her and kill to her mother. Admittedly the victim has turned hostile. The PW-1 to PW-3 were the material witnesses. However they turned hostile. Under these circumstances it can be said that there is absolutely no evidence on record to prove that, the accused assaulted and used criminal force upon the victim with intention to outraged her modesty and accused sexually harassed the victim. There is no evidence to show that, the accused followed the victim girl repeatedly and also committed criminal intimidation by threatening to the victim. There is no evidence to show that, that the accused touched the victim with sexual intent and committed sexual harassment to the victim. Therefore, it can be said that, there is no direct evidence to show that, the accused outraged

modesty of victim and threatened her. The prosecution has failed to prove that, accused used criminal force to the victim with intention to outrage modesty of victim/informant and committed criminal intimidation by threatening victim and committed sexual assault on minor victim/the complainant. Thus, it can be said that, the prosecution has utterly failed to prove that, the accused sexually harassed to minor victim/complainant and committed sexual assault on minor victim/complainant. It is not proved by the prosecution that, on 09.08.2024 and 24.08.2024 accused sexually harassed the victim and repeatedly followed the victim. It is not proved by the prosecution that, accused caught hold of hand of victim and pulled the victim and kissed her and outraged her modesty. Thus, it can be said that, the prosecution has failed to prove the incident. The prosecution has not proved the ingredients of Sec. u/s 74, 75 (1)(i), 78, 351(3) of B.N.S. and under Sec. 8 and 12 of the POCSO Act. Hence, I answer to point Nos. 1 to 6 in the negative.

19. In the light of aforesaid discussion, it is concluded that the prosecution has not brought cogent evidence to prove that the accused committed the aforesaid offences against the victim. The prosecution has not proved the guilt of accused. Hence, the accused is entitled to be acquitted. Hence, I proceed to pass following order.

ORDER

01. The accused namely Rahul Rajaram Babar, R/o Jadhavwadi, Chikmahud, Tq. Sangola, Dist. Solapur is hereby acquitted of the offences

punishable under section 74, 75 (1)(i), 78, 351(3) of B.N.S. and under Sec. 8 and 12 of the POCSO Act, vide Section 258(1) of BNSS (Sec.235(1) of Cr.PC.) in connection with Crime No. 636/2024 registered with Sangola Police Station.

02. His bail bond stands cancelled and surety discharged.
03. The accused shall execute the bail bond of Rs. 15,000/- (Rs. Fifteen Thousand) with surety of like amount which to appear before the Appellate Court as and when the Court issues notice in respect of appeal or petition against the judgment vide Section 481 of BNSS.
04. No muddemal was seized in this matter. Hence no order as to muddemal was passed.
05. As the matter is disposed of by this judgment, the record and proceeding be sent to the Record Department.

(Dictated and pronounced in the open Court)

Date – 30.06.2026

(A. S. Salgar)
Special (POCSO) Judge, Pandhapur.

CERTIFICATE

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

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