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Duration : 6Y,10M,21D.

IN THE COURT OF ADDL. SESSIONS JUDGE, VADUJ.
AT : VADUJ.

(Presided over by Shri. N.S. Kole)

SESSIONS CASE NO. 30/2019.
Exh. No. 44

(F.I.R. No. 118/2018 for the offence punishable under Section 363, 366 of I.P.C. at Aundh Police Station)		
Complainant		The State of Maharashtra (Through Aundh Police Station, Taluka Khatav, District Satara).
Represented by		A.P.P. Shri. R.D. Khot.
Accused		Gopal Balasaheb Tengase, Age-26, Occ. Labour. R/o Surumgaon, Post-Gangasmala, Tal.Majalgaon, Dist.Beed.
Represented by		Adv. Shri. S.S. Bhosale for accused.

Date of offence	During the period from 10 a.m. to 5.30 p.m. on 6.8.2018.
Date of FIR	07.08.2018
Date of Charge-sheet	13.08.2019
Date of Framing of Charges	10.03.2026
Date of commencement of evidence	01.04.2026
Date on which judgment is reserved	04.07.2026
Date of the Judgment	04.07.2026
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 Cr.PC.
1.	Gopal Balasaheb Tengase , Age-26, Occ. Labour. R/o Surumgaon, Post-Gangasmala, Tal.Majalgaon, Dist.Beed.	09.08.2018.	--	Section 363, 366 of I.P.C.	Acquitted	--	--

LIST OF PROSECUTION WITNESSES**A. Prosecution :**

Rank	Name	NATURE OF EVIDENCE
PW 1	Asif Rafiq Bagwan	Informant.
PW 2	Satish Manohar Solapure.	Panch witness.
PW 3	Dilawar Gani Momin	Panch witness.
PW 4	Victim.	Victim.
PW 5	Rabbana Asif Bagwan	Eye Witness.
PW 6	Subhash Bhoja Kalel	Police witness.
PW 7	Shrikant Vishnupant Deo.	Investigating Officer.

B. Defence Witnesses, if any :

Rank	Name	NATURE OF EVIDENCE
-	-	-

C. Court Witnesses, if any :

Rank	Name	NATURE OF EVIDENCE
-	-	-

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

Sr. No.	Exhibit Number	Description
1	Exh P-1/PW 1 - 15	Birth Certificate of Victim.
2	Exh P-2/PW 2 – 26	FIR
3	Exh P-3/PW 3 –35	Spot panchanama.
4	Exh P-4/PW 4 –36	Letter to JMFC Vaduj from PSI Aundh.
5	Exh P-5/PW 4 –22	Statement of victim u/s 164 Cr.P.C.
6	Exh P-6/PW 5 –39	Portion mark-A of statement of PW 5.
7	Exh P-7/PW 6 –33	Order dt. 7.8.2018 of PSO Aundh P.S.
8	Exh P-8/PW 7 –37	Letter dt. 13.9.2018 to Principal of Kanya Vidyalay Kadegaon.
9	Exh P-9/PW 7 –41	Arrest panchanama of accused Gopal.

B. Defence :

Sr.No.	Exhibit Number	Description
-	-	-

C. Court Exhibits :

Sr.No.	Exhibit Number	Description
-	-	-

D. Material Objects :

Sr.No.	Material Object Number	Description
-	-	-

J U D G M E N T

(Delivered on 4th July, 2026)

Accused charge-sheeted for the offence punishable under Section 363, 366 of Indian Penal Code.

02. The facts giving rise to the present prosecution can be summarized as under :

Victim along with her parents, younger sister was residing at her native village Pusesavali. Her father was running grocery shop. In the year 2018 victim was taking education in the college of Kadegaon and used to go to College by ST Bus from her native Pusesavali. In the year 2018, accused came to reside at Pusesavali 8-10 months prior to the incident. He used to visit grocery shop of victim, thereby developed intimacy with victim and she fall in love with him. Accused assured to victim that he will marry with her, thereby enticed her. On 06.08.2018 the victim left the native for going to college at Kadegaon, however, after going to Kadegaon she did not go to college. Therefrom she went to Vita and from Vita to Baramati. There accused came to meet her and from Baramati he took her to his native Surumgaon, Tal.Majalgaon, Dist.Beed by Baramati – Parali Railway.

03. On going to native, his parents realized that he kidnapped minor daughter of others, therefore, they brought victim to Majalgaon Police Station and produced there. Thereafter victim brought to Pusegaon Police Station and later on her custody was handed over to her parents. Accordingly, her father has lodged report against accused on 07.08.2018.

04. On the basis of same, crime vide C.R. No. 118/2018 has been registered, investigation thereof was carried out by Shrikant Vishnu Deo, then P.S.I. attached to Aundh Police Station. He during the course of said investigation, visited to place of offence, drawn panchanama thereof, took photographs, recorded supplementary statement of complainant, also recorded statement of victim, her mother, younger sister and other material witnesses. He did correspondence with Magistrate and has got recorded statements of victim u/s 164 of Cr.P.C. He has collected birth certificate of victim and information from school authority about her presence in school on relevant dates. He arrested the accused, drawn panchanama thereof, then he was transferred and formality of filing charge-sheet was completed by his successor.

05. As accused is hailing from Beed District and was not attending the Court, therefore, N.B.W. was issued against him and in execution thereof, he was brought before Court. Then he was remanded to Judicial custody, charge was framed. The evidence of material witnesses is recorded and on their turning hostile subsequently bail was granted to accused.

06. I have framed charge vide Exh.10 against accused and have read over the contents thereof to him in Marathi to which he pleaded not guilty and has claimed to be tried. His defence is of denial.

07. In view of the above facts, the following points arises for

my determination and I have recorded my findings against each of them for the reasons stated there below :

	<u>POINTS</u>	<u>FINDINGS</u>
1	Whether it is proved by the prosecution that during the period from 10 a.m. to 5.30 p.m. on 06.08.2018 within the limits of village Pusesavali, Tal.Khatav, Dist.Satara accused kidnapped the minor daughter of complainant Asif Bagwan of 17 years from ST Stand Pusesavali, knowing that she is minor by promising her to marry from the custody of her guardians and thereby committed an offence punishable u/s 363 of I.P.C. ?	In the negative.
2	Whether it is proved by the prosecution that during the aforesaid period and place accused kidnapped the minor daughter of complainant Asif Bagwan of 17 years from ST Stand Pusesavali, knowing that she is minor and thereby committed an offence punishable u/s 366 of I.P.C ?	In the negative.
3	What order ?	Accused is acquitted.

REASONS

As to Points No.1 and 2 :

08. I have heard the Ld. A.PP. Shri. R.D. Khot for State and the Ld. Advocate Shri. S.S.Bhosale for accused.

09. To prove the charges levelled against accused, prosecution has adduced evidence of seven witnesses and then has filed its evidence close pursis vide Exh.42.

10. Out of seven witnesses, five material witnesses turned hostile. Only police persons deposed in the matter. Witness Subhash Kalel was retired Police Havaldar who got recorded complaint of complainant. On turning of complainant hostile, the contents of complaint are got proved through evidence of witness Subhash Kalel. The Investigating Officer Shrikant Deo deposed about routine investigation carried out by him. The portion mark of the statement of witnesses who turned hostile is got proved through the evidence of Investigating Officer.

11. It is the case of prosecution that accused developed intimacy with victim knowing well that she is minor, assured her to perform marriage with her, thereby enticed her and took her to his native.

12. The complainant Asif Bagwan, his wife Rabbana deposed about running of grocery shop, taking education by victim in the school at Kadegaon and going there by Bus. However, they shown ignorance about accused and kidnapping their daughter from their lawful custody. On the other hand, the mother of victim deposed that on given date there was examination of victim and examination paper was hard and difficult for victim and therefore, on 06.08.2018 she did not turn to home. Victim also turned hostile and not stated anything about her going to Vita from Kadegaon and then to Baramati and from Baramati to his native by Baramati-Parali Train in the company of accused.

13. So far as her statement before Magistrate is concerned,

she stated during course of her cross-examination that at the say of police she gave such statement before Magistrate. The other two witnesses viz. Satish Solapure and Dilawar Momin are panch witnesses of scene of offence. They also turned hostile. In substance, the material witnesses i.e. victim, her parents, have turned hostile. They have not stated anything about accused, his stay at Pusesavali, during relevant period of incident coming to grocery shop and luring their daughter on false promise of marriage. Therefore, in my view, on the basis of evidence of police persons, it cannot be said that the prosecution succeeded in proving guilt of accused beyond reasonable doubt.

14. Thus, taking overall view of the matter, in my view, prosecution failed to prove the charges levelled against accused. Therefore, he is entitled to acquittal. Accordingly, I answer the points and proceed to pass the following order.

ORDER

1. Accused Gopal Balasaheb Tengase, Age-26 years, R/o Surumgaon, Post-Gangasmala, Tal.Majalgaon, Dist.Beed is acquitted of the offence punishable under Section 363, 366 of Indian Penal Code, under Section 235(2) of Cr.PC.
2. His bail bonds stand cancelled and sureties stand discharged.
3. Accused should furnish P.B. and S.B. of Rs.25,000/- towards compliance of Section 437-A of Cr.PC.

(Dictated and pronounced in open Court).

Vaduj.

(N.S. Kole)

Date : 04.07.2026.

Extra Jt. Addl. Sessions Judge, Vaduj.