

MHWR010004842021	Presented on : 02-03-2021
	Registered on : 02-03-2021
	Decided on : 18-08-2026
	Duration : 05 years, 05 months, 16 days.

Special Case No. 23/2021Exh.76**Form - 'A'****IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WARDHA.**

(Presided over by S.A.S.M. Ali, A.S.J.)

(FIR No. 0003/2021, U/s 363, 366-A, 376AB of Indian Penal Code, r/w 3(a), 4, 5(h)(m)6, 10 POCSO Act 2012 Police Station, Wardha).

<u>COMPLAINANT</u>	: The State of Maharashtra, Through Police Station, Wardha, Tah. Wardha, Dist. Wardha.
REPRESENTED BY	: Shri. V.R. Ghude, Learned Additional Public Prosecutor.
<u>ACCUSED</u>	: Jayram Tukaram Mule Aged about 22 years, Occ.: Labour, R/o Wadar Zopadpatti, Arvi Naka, Wardha, Tah. Wardha. Dist. Wardha,
REPRESENTED BY	: Learned Advocate for Accused Shri. S. P. Kashikar.

Form- 'B'

Date of offence	: 02/01/2021
Date of F.I.R.	: 02/01/2021

Date of Charge-sheet	: 02/03/2021
Date of Framing of Charges	: 08/04/2022
Date of commencement of evidence	: 30/06/2023
The date on which judgment is reserved	: 03/08/2026
Date of the judgment	: 18/08/2026
Date of the Sentencing Order, if any	: Accused is convicted as per final order.

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.P.C.
1]	Jayram Tukaram Mule	02/01/2021	Under Trial	U/s 363, 366-A, 376AB of Indian Penal Code, r/w 3(a), 4, 5(h)	Accused is convicted for the offence under	7 years rigorous imprisonment and	02/01/2021 to till today.

				(m)6, 10 POCSO Act 2012	section 9m punishable u/s. 10 of POCSO Act, as per final order.	2000/- fine i/d. Of fine 1 year s.i. for 1 year rigorous imprisonment	
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Form- 'C'**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)	EXHIBITS
PW1	Vimal Aditya Harale	Informant	16
PW2	XXX	Victim	34
PW3	Sachin Nilkanthrao Sawarkar	Other Witness	40

PW4	Dr. Mariya Khatun Sultan Ahmed	Medical Officer	42
PW5	Kalyani Sushil Dhote	Other Witness	45
PW6	Bhaskar Pundlikarao Bhange	Panch witness	48
PW7	Mahendra Sureshrao Salankar	Panch witness	55
PW8	Dharmendra Chindhuji Thakre	Panch witness	61
PW9	Priti Kisan Aade	Investigating Officer	66

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.

A. Prosecution:

Sr. No.	Exhibit Number	Description
1]	Exhibit 17	Birth Certificate.
2]	Exhibit 18	Oral Report.
3]	Exhibit 19	First Information Report.
4]	Exhibit 20	Statement of Informant Recorded under section 164 of Cr.P.C.
5]	Exhibit 21	Statement of Victim Recorded under section 164 of Cr.P.C.
6]	Exhibit 20	Rural Hospital Referral Card Wardha (sh.).
7]	Exhibit 26	Application for permission to file CA Report
8]	Exhibit 27	List of Documents CA Report.
9]	Exhibit 28	C. A. Report.
10]	Exhibit 29	C. A. Report.
11]	Exhibit 30	C. A. Report.
12]	Exhibit 31	Invoice Chalan

13]	Exhibit 32	General Muddemal Number
7]	Exhibit 43	Letter of Investigating Officer POCSO Cell Wardha to Medical Officer General Hospital Wardha.
8]	Exhibit 44	Forensic Medical Examination Report of Victim
9]	Exhibit 46	Forensic Medical Examination Report of Victim
10]	Exhibit 49	Letter of Investigating Officer POCSO Cell Wardha to Principal Vikas Vidyalay School Wardha.
11]	Exhibit 50	Intimation Letter to Panch Witness
12]	Exhibit 51	Crime Details Form
13]	Exhibit 52	Property Search & Seizure Form
14]	Exhibit 62	Letter of Investigating Officer POCSO Cell Wardha to Secretary Grampanchayat Ghuikhed, Tal. Chandur Railway, Dist. Amravati.
15]	Exhibit 63	Verified Birth Certificate.
16]	Exhibit 64	Birth Certificate.
17]	Exhibit 67	Arrest/Court Surrender Form.
18]	Exhibit 68	Letter of Investigating Officer POCSO Cell Wardha to Medical Officer General Hospital Wardha.
19]	Exhibit 70	Letter of Investigating Officer POCSO Cell Wardha to Deputy Director Forensic

		Science Laboratory, Dhantoli Nagpur.
20]	Exhibit 71	Duty Pass.
21]	Exhibit 72	The Invoice Receipt of Regional Forensic Science Laboratory, Nagpur
22]	Exhibit 73	Letter of Investigating Officer POCSO Cell Wardha to JMFC Wardha.
23]	Exhibit 74	General Diary Details.

B. Defence :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

C. Court :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects:

Sr. No.	Material Object Number	Description
1]	Article A	Black Colored Sleeper.
2]	Articles B	Black Colored Jeans Pant.
3]	Article C	Blade Sample.

4]	Article D	Red Colored T-shirt.
5]	Article E	Black and White Colored Pant.
6]	Article F and G	Xerox copy of Form B and F-II

J U D G M E N T(Delivered on this 18th day of August, 2026)

The accused is chargesheeted for the offences punishable under Sections 363, 366(A), 376(B) of the Indian Penal Code and Sections 4, 6 & 10 Protection of Child from Sexual Offences, Act. (Hereinafter referred as POCSO Act for convenience.)

Facts in brief are as under:

2] It is the case of the prosecution that on 02.02.2021 the mother of the victim had gone for selling the utensils in the early morning itself. At about 3.30 p.m. she received a phone call from her brother-in-law, that the daughter of the informant i.e. victim was raped by the accused. He also asked her to come near Vikas Vidhyalay. The informant immediately rushed to the spot and found that the victim was crying. When asked, she stated that when she was playing in front of her house Jayram Mama (the accused) under the pretext that her mother is calling her, carried her to Vikas Vidhyalay. When she asked about her mother, the accused has hold her hand and took out blade and then threatening her to kill, carried her to the bathroom of Vikas Vidhyalay, took out his pant and also that of victim and committed rape on her. The victim bite the hand of the accused and ran outside. The persons assembled there gave a pant to the victim. Accordingly, the

informant approached to the police station along with victim and lodged report in the name of accused.

3] The office in-charge PSI Satyavir Bandiwar registered the offence under sections 363, 366-A, 376-AB of Indian Penal Code and sections 4, 6 & 10 of POCSO Act. The victim being minor girl, the investigation is taken up by PSI Priti Aade. First of all she referred the victim for medical examination. After receipt of medical report she arrested the accused and also referred him for medical examination. The statement of victim was recorded at the hospital itself. Similarly, the statement of victim and informant was also recorded by J.M.F.C., Wardha.

4] On the next day, the investigation officer went to the spot along with the panchas, the spot was shown by the victim. One black coloured pant, pair of black coloured slippers and half Topaz blade were seized under seizure panchanama. The photographs and the sketch map of the spot was also drawn. The samples of blood, pubic hair and nail clippings of victim and accused were collected from the hospital. The entire muddemal was sent for analysis to R.F.S. laboratory. The birth certificate from Grampanchayat, Ghuikhed was also collected and it is transpired that at the relevant time the victim was below 12 years. After detailed investigation charge-sheet is filed.

5] My learned predecessor has framed the charge against the accused vide Exhibit 4. The accused pleaded not guilty and claimed to be tried. His defence is that of total denial and false implication.

6] The prosecution led its evidence and examined the witnesses as referred to above. After the closure of prosecution evidence, the accused was examined under Section 313 of the Code of Criminal Procedure. He denied the entire prosecution case and pleaded false implication due to previous enmity.

7] I have heard the learned A.P.P. for the State and the learned Counsel for the accused. Having regard to the submissions made at the bar, the following points arise for my determination. My findings thereon are recorded for the reasons to follow:

Sr. No.	Points	Findings
1]	Whether the prosecution proves that the victim is a minor child?	Yes.
2]	Whether the prosecution proves that on 02/01/2021, between 3.30 to 4.00 p.m., at Arvi Naka, Wardha, the accused kidnapped a minor victim, aged about 11 years, by taking or enticing her out of keeping of the lawful guardianship without consent of her lawful guardianship?	In the negative
3]	Does the prosecution prove that on the same date, time and place as aforesaid, accused induce a minor victim to go from in front of her house, or to do any act or acts i.e. giving false information, with intend that the said minor victim may be or knowing that it is likely that the said minor victim will be forced (or seduced) to illicit intercourse with the accused?	In the negative

4]	Does the prosecution prove that on or about the same date, time, and place as aforesaid, accused committed rape on a minor victim, who under the age of twelve years?	In the negative
5]	Does the prosecution prove that on the same date, time, and place as aforesaid, accused committed penetrative sexual assault on minor victim, and thereby committed an offence u/sec. 3(a) punishable under Section 4 of Protection of Child from Sexual Offences, Act?	In the negative
6]	Does the prosecution prove that on the same date, time, and place as aforesaid, accused committed aggravated penetrative sexual assault on minor victim, who is below the age of 12 years, by using deadly weapons i.e. blade, and thereby committed an offence u/sec. 5(h)(m) punishable under Section 6 of Protection of Child from Sexual Offences, Act?	In the negative. However, offence of aggravated sexual assault is prove.
7]	What offence, if any, is proved against the accused ?	Accused is convicted for the offence under section 9(m) punishable u/s. 10 of POCSO Act.
8]	What Order ?	The accused is convicted, as per the final order.

REASONS**As to Point No.1:**

8] In order to prove that the victim at the time of incident was child, the prosecution has relied upon the oral evidence of PW1 the mother of the victim, victim herself and PW8 Dharmendra Thakare, the official of Grampanchayat at Ghuikhe who has issued the birth certificate of the victim. According to PW1 the mother of the victim, the victim was born in the year of 2010, however, she does not remember her date of birth. The victim has examined and she has stated that at the time of incident she was studying in 4th Standard and at that time she was 10 years old. The prosecution has brought on record that the birth certificate of the victim which is at Exh. 17 and 64 The prosecution in the evidence of PW8 Dharmendra Thakar has proved the entry of the birth of victim taken in the record of register (Birth and Death), Grampanchayat Ghuikhed which is at Exh.63. All these documents clearly goes to show that victim was born on 18th December, 2010, which shows that the victim at the time of incident i.e. in the year 2020, was 11 years old and was “child” as contemplated under Section 2(d) of the Protection of Children from Sexual Offences Act, 2012. There is no fruitful cross-examination of PW8, so as to disbelieve his contention. Hence, I answer Point No.1 in the affirmative.

As to Points No. 2 & 3 :

9] It is the case of the prosecution that the accused kidnapped the victim from lawful guardianship and this intention was seduced her for illicit intercourse with another person. The definition of “kidnapping”

as provided under section 361 of IPC is “**kidnapping from Lawful Guardianship**” *whoever takes or entice any minor under 16 years of age if a male, or under eighteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.*

10] The definition above itself suggested that for kidnapping it is necessary to remove the child from lawful guardian, but in the entire evidence. Neither PW1 nor victim herself stated that the accused removed victim from the lawful guardianship. The evidence, which is brought on record is that at the time of incident when the mother of the i.e. informant had gone to her daily work, she received phone call from the Dhanraj Harale that the victim was raped by accused. There is no reference, of kidnapping in her evidence. Similarly, the victim is also does not say that she is kidnapped. According to her, when she was playing the accused came there and asked her that her mother is calling her and therefore, she went with him. As such, the ingredient of the kidnapping as contemplated in section 361 are completely absent. Even, in the report PW1 has not stated that the accused kidnapped her daughter.

11] Now, as regards the offence under section 366-A, let's remind ourself its requirement. It read as under :

Section 366-A; *Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do*

any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

12] I have gone through the evidence of PW1 and the victim, it is nowhere come on record that the accused induces the victim to go from one place to another with intent to force or seduced to illicit intercourse with another person. Hence, offence under section 366-A is also not proved. Hence, I answered point no.1 and 2 in the negative.

As to Point No. 4 & 5 :

13] The main accusation against the accused is that he has committed rape on a minor victim, ho was about 12 years old. It is also contended that the accused committed penetrative sexual assault on the victim and she being the minor, act of the accused comes under more serious offence i.e. aggravated penetrative sexual assault.

14] The prosecution mainly relied on the evidence of the victim and the informant. It is the case of the prosecution that when the victim was playing in the court-yard of her house, accused called her on the point of blade, he threatened victim, carry to her to the bathroom, removed her clothes inserted his finger on vagina of the victim and then committed rape. It is also alleged that the accused wiped off the semen by the pant of the victim herself and then went away.

15] The ld. APP pointed out that the victim has specifically contended that the accused has inserted his finger in vagina of victim and therefore, this act of the accused false within the definition of sub section (b) of section 375 of IPC.

16] Now it is necessary to see the evidence brought on record by the prosecution satisfies the ingredients of the charge. The victim as well as the informant PW1 have stated that the accused inserted his finger in the vagina. However, if we see the report (Exh.18) which is lodged just after the incident there is absolutely no reference about the fingering by the accused on the private part of the victim. Not only that, when the victim was examined before Judicial Magistrate First Class on 11/01/2021, there also the victim did not say anything about the fingering on her private part by the accused. The statement of the victim was recorded by JMFC Wardha on 1/11/2021, which is at Exh.21.

17] The prosecution has relied on this statement to seek the corroboration to the evidence of the victim. The Court can look into the statement for the purpose of addressing the issue of credibility and truthfulness of the victim. The incident narrated before the magistrate by the victim needs to be consider and compare with the incident narrated by the victim before the Court. The perusal of the statement of the victim at Exh.21, would show that before recording the statement of the victim, the Magistrate put up about six questions to her. The manner of putting question to the victim has recorded by the Magistrate would show that the ld. Magistrate ensured that the victim was made comfortable the manner in which the question was asked is to clear out

the fear from the mind of the victim, so that she would narrate the incident freely and fairly. The victim only stated that accused took her to bathroom, took out her pant and then his own pant, took out blade and threatened her that if she will not allow him for intercourse, then he would kill and then he raped her. There is absolutely no reference about inserting his finger in the vagina of victim.

18] It is also significant to note that during the evidence of victim stated that the accused wiped the semen by her pant. But, again this aspect is completely absent in the report Exh.18 or the statement recorded before the Magistrate. Similarly, the informant has not stated this fact in her evidence.

19] At this stage, it is necessary to mention that POCSO Act is the special enactment which is enacted to protect the children from the sexual assault. It needs to be stated that consistent of the object and intention of legislature the stringent punishment has been provided from the commission of the offence against the child. Would not be out of place mention that when the statute provide stringent punishment, the Court must be very carefully while deciding such cases.

20] Coming to back veracity and truthfulness of the evidence adduced by the prosecution it is evident that there is scope to doubt the evidence of the prosecution with regard to the insertion of finger in the private part of the victim. The history of the assault narrated by the victim to the doctor and statement made by her before the magistrate has caused serious dent to the principal charge against the accused of

insertion of finger in her private part. It is equally true that the evidence of the informant and the victim couple with the history of the assault narrated before the doctor and the incident narrated before the magistrate would show that some incident had occurred on the given date. The incident has been categorically stated by the victim. But the fact remains that there is no whisper about fingering by the accused in her private part. As such, this fact does not fall within the ambit of section 376-AB of IPC. Hence, I answered Points no. 4 & 5 in the negative.

As to Points No. 6 & 7 :

21] Learned APP relying upon the evidence of victim and the medical officer and contended that the act of the accused falls under the penetrative sexual assault and since the victim is below 12 years age, the act become aggravated and therefore, it is aggravated sexual assault. Now, let's see the evidence of the victim as well as the evidence of medical officer, so as to see has to whether the act of accused falls under penetrative sexual assault.

22] The penetrative sexual is defined in section 3 of POCSO Act which requires penetration of penis or any foreign object into the child's vagina, mouth, urethra or anus or applies his mouth to any of the said areas. Section 3(b) that if the person inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person.

23] The victim no doubt stated before the Court that the accused undressed her and then slept over her body and put his private part in to her private part. She also stated that further the accused wiped the white material by her pant only. As regards this piece of evidence, it is surprising to note that this entire piece of evidence is in the form of omission except that the accused took her pant.

24] The Hon'ble Bombay High Court in case of **Yograj Pralhad Ghule Vs. State of Maharashtra 2016 ALL MR (Cri) 4715**, hold that, *medical report produced by the prosecution do not show any external or internal injuries. No stain was found on any part of her body or private part No definite opinion about rape can be given. No injury over private part or hymen or vagina was found. This evidence in turn shows absolute negation of the theory of rape of a girl aged six years by a person of 19 years. There is no other evidence produced by the prosecution affirmatively to show sexual intercourse/penetration or any of the ingredients of section 375 of IPC. It was further observed that the evidence of child witness should be carefully scrutinized as there is likelihood of tutoring. The Courts are required to assess evidence of child witness in juxtaposition with other evidence, even if evidence of victim has not been challenged in the cross-examination properly. The accused therein, however, was convicted for the offence u/s. 354 IPC and acquitted for the offence u/s. 376 IPC.*

25] In the case of **Sunil Soma Bhamble Vs. The State of Maharashtra (2016-ALL MR(Cri)-2950** *the accused was tried for attempting to commit sexual intercourse with the victim girl of four*

years. It was observed that the only link between the accused and the offence is that of finding of semen stain on the clothes of accused and pant of victim. There is discrepancy in the evidence of panch witness and informant as to manner in which clothes of victim were seized and action of removal of stains by informant. The medical evidence did not show injuries on private parts of the victim. Mere finding of semen stains cannot be clinching material so as to establish guilt of appellant.

26] In the case of **Ganesh Gopal Vs. State of Maharashtra** decided in **Criminal Appeal No.753 of 2018** decided on **11 th November 2019** it was observed that *there was no material to hold that it was a case of penetrative sexual assault. External or internal injuries were not found on the victim. The offence would at the most fall u/s.7 and 8 of POCSO Act. The medical evidence indicate that there was no external or internal injuries on the victim.*

27] In order to corroborate version about penetrative sexual assault, prosecution relied upon the evidence of medical officer who examined the victim on the very day of the incident. She has examined as PW4. According to her when she examined victim she did not find any external injury over the body of the victim. However, the hymen was ruptured, but there was no tear and no bleeding. She further stated that there is possibility of sexual intercourse, but final decision is withheld till receiving of C.A. report. During chief examination, itself, C.A. report Exh. 28 to 30 was shown to her, but fairly conceded that no conclusion can be drawn from the C.A. Report. Further, she states that since hymen was ruptured there is possibility of sexual intercourse by

fingering. But during the cross-examination, she has stated that in the case of forceful sexual intercourse, there must be injury or redness to the vagina and in the present case neither injury nor redness was found over the vagina of the victim. Witness further stated that the hymen can also be ruptured by cycling.

28] Now, this is the evidence adduced by the prosecution as far as the penetrative assault is concerned, no external injury were found on the body of the victim. No matting/staining, no swelling, no edema, no bleeding, no bruise, no tear, no abrasion, hymen injury is also absent. No bleeding nor evidence of any tear.

29] It is also relevant to note that in the instant case the investigating officer has seized pant of the victim and sent to the Chemical Analyzer. The reports of Chemical Analyzer is at Exh.28, 29 and 30, but there is clear finding of the Chemical Analyzer that neither the blood nor the semen is detected on the shirt and pant which was referred to him. Therefore, considering the evidence of the victim as well as the medical evidence it can not be conclusively said that there is sufficient material to prove penetrative sexual assault.

30] Coming to the other witnesses, examined by the prosecution is PW5 the independent witness Kalyani Shushil Dhote, according to her when she was present in her shop, the victim came there in frightened condition and when she inquired with her, she stated that the accused has slept on her body by showing blade. She further states that the accused was caught her on the spot, then the

mother and uncle of the victim arrived. Even this witness has not stated that the victim disclosed before her about fingering or penetrative sexual assault, however, she has corroborated the version of the victim that accused committed sexual assault.

31] PW6 is the witness on spot panchanama, he stated about the fact that on the request of the police their principal deputed him and his colleague to act as panch. Accordingly, he went to police station and then to the spot which is a wire fencing compound of her school. He further stated that one jeans pant and blade was seized from the spot. He further states that the police next day again called him and in his presence, the samples of the blood, nail clipping and pubic hairs of victim were seized in his presence. He was cross-examined, but no any irregularity is brought on record. PW7 is the witness, who say that the wire fencing was broken at the relevant time.

32] The prosecution finally examined investigating officer PW9 Priti Aade, who stated about the cordial formalities of the investigation. Her entire examination-in-chief is remained unshattered during the cross-examination. After considering the entire evidence of the prosecution including victim and the medical officer, the fact which was proved on record that the accused carried the victim to bathroom and slept over her body and took out her private part and vagina of the victim. All these acts constitute penetrative assault. It cannot be said that the rape is committed as contemplated under section 375 of IPC. In this case on the basis of evidence, the prosecution has failed to prove that

the accused had committed penetrative sexual assault. Similarly, the evidence is not sufficient to prove offence under section 375 of the IPC.

33] It is pertinent to note that the offence which prosecution proved against accused on the basis of these evidence would attract the offence punishable under section 9(m) punishable under 10 of Protection of Child from Sexual Offences, Act because on the date of incident the victim was below 12 years of age. Therefore, I am of the view that evidence which produced on record to sufficient to prove aggravated sexual assault. The act committed by the accused would speak volumes about his intention, the prosecution has proved that the accused touched the private part of the victim with sexual intention. Hence, I answered point no.7 accordingly. Here, I stop to hear the accused and learned APP on the point of sentence.

Date: 18.08.2026

(S.A.S.M. Ali)
Additional Sessions Judge,
(Court No.2), Wardha.

34] The accused contended that he is married person, having small children, hence, leniency may shown to him. On the other hand ld. APP submitted that, accused has committed serious offence against a minor girl and needs to be treated harshly.

35] I have given anxious consideration to the submissions for both the side. The victim who at the time of incident near 12 years old was calling the accused as Mama, but accused instead of providing

protection to her tried to satisfy his sexual lust in her. Therefore, lesser punishment is not called for. Showing misplaced sympathy to such accused would give wrong signal to the society. The accused is entitled for the maximum punishment provided for the offence, which is committed by him. Hence, I pass following order :

Order

(i) The accused, **Jayram Tukaram Mule**, is hereby convicted under Section 235(2) of the Code of Criminal Procedure, for the offence under section 9(m) punishable under Section 10 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer rigorous imprisonment for Seven years and to pay a fine of ₹20,000/- (Rupees Twenty Thousand only). In default of payment of fine, the accused shall undergo rigorous imprisonment for One year.

(ii) If the fine amount is realized, the entire amount shall be paid to the victim as compensation under Section 357(1) of the Code of Criminal Procedure, after expiry of the appeal period.

(iii) The seized muddemal property be preserved for one year and if no intimation of appeal is received, it be disposed off according to law.

(iv) Accused is in custody from 02/01/2021. He is entitled for the set off for this period as per Section 428 of the Code of Criminal Procedure.

(v) The accused is acquitted, under Section 235(1) of the Code of Criminal Procedure, of the offence punishable under Section 376AB, 363, 366A of the Indian Penal Code and section 3(a) punishable under

section 4 and section 5(h) punishable u/s. 6 of Protection of Child from Sexual Offences, Act.

- (vi) A copy of this judgment be furnished to the accused free of cost.
- (vii) The accused is informed of his right to prefer an appeal against this judgment and order of sentence.

(Judgment dictated and pronounced in open Court.)

Date: 18.08.2026

(S.A.S.M. Ali)
Additional Sessions Judge,
(Court No.2), Wardha.

CERTIFICATE

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

(Anil N. Nakhate)
Stenographer Grade-I

Dictated on	: 18.08.2026
Transcribed on	: 18.08.2026
Checked & signed on	: 19.08.2026
Uploaded on	: 19.08.2026