

[1] Spl. (POCSO) Case No.154/2022.
State Vs. Dhammadip Ramteke (Judg.)

CNR NO.MHCH010022112022



DURATION		
Years	Months	Days
02	10	13

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, CHANDRAPUR.
DIST : CHANDRAPUR.

(Presided over by P. M. Gupta)

Spl. (POCSO) Case No.154/2022

Exh. No.

FIR/Crime No.195/2022
Saoli Police Station,
Tah. Saoli, Dist. Chandrapur.

PROSECUTION] THE STATE OF MAHARASHTRA
] Through PSO, Saoli Police Station,
] Saoli, Tq. Saoli &
] Dist. Chandrapur.

REPRESENTED BY] Mr. A.S. Sheikh, SPL. Public Prosecutor.

..VERSUS ..

ACCUSED] Dhammadip Uttam Ramteke,
] Aged 27 years, Occu.Labour,
] R/o. Sindola, Tq. Saoli,
] Dist. Chandrapur.

REPRESENTED BY] Mr. S.M. Pendor, Advocate.

Date of Offence	:	01.10.2021 to 19.08.2022
Date of F.I.R.	:	20.08.2022
Date of Charge-sheet	:	12.10.2022
Date of Framing of Charge	:	20.08.2025

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Date of commencement of evidence	:	25.08.2025
Date on which judgment is reserved	:	26.08.2025
Date of the Judgment	:	26.08.2025
Date of the Sentencing Order, if any	:	

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 Sec. 428 of Cr.PC.
1.	Dhammadip Uttam Ramteke,	22/08/2022	05/09/2022	u/Ss. 376(2)(n) of IPC and u/s.4 of POCSO Act,2012	acquitted	N.A.	---

A. Prosecution :

RANK	NAME	EXH.	NATURE OF EVIDENCE
P.W.1	Victim	22	Victim
P.W.2	Mother of victim	23	Witness
P.W.3	Brother of Victim	24	Witness

B. Defence Witnesses : NIL

C. Court Witnesses : NIL

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LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution Exhibits:

Sr. No.	Exh.Number	Description
1.	Exh.41	Spot panchanama
2.	Exh.32	Medical report of victim.
3.	Exh.31	Medical report of accused.

B. Defence Exhibits : NIL

C. Court Exhibits : NIL

D. Material Objects : NIL.

JUDGMENT

(Delivered on this 26th August, 2025)

Accused is prosecuted for the offence punishable u/s. 376(2)(n) of the Indian Penal Code and u/s.4 of the Protection of Children from Sexual Offences Act, 2012.

02] The case of the prosecution in brief is as follows;

In the year 2021, the informant was minor. She came in contact with accused and a love relationship was developed between them. Accused has proposed to marry the informant. For 6 to 7 occasions accused had sexual intercourse with the informant. Due to said relationship the informant became pregnant. On 19.08.2022 the informant has delivered a baby at Government Hospital, Gadchiroli. At the time of delivery, the

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informant was minor therefore the medical officer has informed the said fact to the concerned police officer of Gadchiroli Police Station. Thus, the police of aforesaid police station visited the said hospital and recorded the statement of the informant.

03] The aforesaid incident was taken place within the jurisdiction of Saoli police station, therefore the statement of informant was forwarded to that police station. On the basis of that statement, the officer in-charge of Saoli police station, Saoli, Dist. Chandrapur has registered a crime bearing no.195/2022 for offence punishable u/Ss. 376(3) and 376(2)(n) of the Indian Penal Code and U/s.4 of the Protection of Children from Sexual Offences Act, 2012 against accused.

04] During investigation, Investigation Officer has recorded the statements of informant/victim girl and witnesses, arrested accused, referred the victim girl and accused for their medical examination and collected their medical reports, prepared spot panchanama etc. On completion of investigation, the investigation officer did find sufficient evidence against accused, therefore, he has filed charge-sheet in the Court for the aforesaid offences against accused.

05] I have framed charge for the offence punishable u/s. 376(2)(n) of the Indian Penal Code, 1860 and u/s. 4 of the Protection of Children from Sexual Offences Act, 2012 against accused vide Exh.22. Plea of accused is recorded separately vide

Exh.23. Accused pleaded not guilty and claimed to be tried.

06] Following points arise for my determination & I have recorded my findings thereon with reasons as under :

<u>Sr.No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Does the prosecution prove that in between 01.10.2021 and 19.08.2022 at Mouza Sindola, Tah. Saoli, Dist. Chandrapur accused has repeatedly committed rape on informant/victim girl and thereby committed an offence punishable u/s. 376(2)(n) of the Indian Penal Code, 1860 ?	...No.
2.	Does the prosecution prove that during the aforesaid period and place accused has committed penetrative sexual assault on minor victim girl and thereby committed an offence punishable u/s.4 of the Protection of Children from Sexual Offence, 2012 ?	...No.
3.	What order ?	Accused is acquitted as per final order.

REASONS

AS TO POINTS NOS.1 to 3 :-

07] The evidence of informant/victim girl (PW-1) is recorded vide Exh.22. The PW-1 deposed that she has a love affair with accused and they both entered into sexual relationship with each other. She further deposed that due to said sexual

relationship she became pregnant and gave birth to a baby boy. The PW-1 deposed that during the period of the said incident she was not minor. She deposed that police have not recorded her statement as per her say.

08] The informant/victim girl (PW-1) has not supported to the case of the prosecution therefore Ld. Special PP for the State has cross-examined her. In the cross-examination, PW-1 denied that by taking the advantage of her tender age, accused has forcefully established sexual relationship with her. The PW-1 deposed that she married with accused and residing with him. She denied that for saving accused from punishment she deposing falsely.

09] The evidences of informant's mother (PW-2) and her brother (PW-3) are recorded vide Exh.23 and 24 respectively. They deposed that the informant/victim has married with accused and she is residing with him. They further deposed that out of the said relationship, the informant/victim girl has given birth to a baby boy.

10] Accused has admitted the spot panchanama (Exh.41), his medical report (Exh.31) and medical report of informant/victim (Exh.32).

11] On perusing the evidences of prosecution witnesses, it comes to my knowledge that no incriminating material came on record. Thus, statement of accused as per Section 313 of Cr.P.C. is

dispense with.

12] Perused the evidence of prosecution witnesses and documents available on record of the case. Heard, Ld. Spl.PP for the State and Ld. Advocate for accused. The allegations against accused are that, he has repeatedly committed rape/penetrative sexual assault on minor victim girl/informant and thereby impregnated her. The victim girl (PW-1) deposed that she was having a love affair with accused and therefore she married with him. The PW-1 deposed that due to said relationship, accused had sexual relationships with her and due to that she became pregnant and gave birth to a baby boy. The PW-1 deposed that it was not happened that when she was minor, accused had established sexual relationship with her.

13] There is no evidence came on record that accused has committed sexual intercourse with the informant/victim girl against her wish. As per the prosecution, at the time of alleged incident, the victim girl was minor. However, there is no cogent and reliable evidence produced by the prosecution to show that during the period of 01.10.2021 and 19.08.2022, the victim girl was minor. Thus, there is no evidence came on record to show that the victim girl was minor. Apart from that, the victim (PW-1) herself denied that when she was minor accused had established sexual relationship with her. The prosecution failed to prove that at the time of alleged offence, the victim girl was minor, therefore, the provisions of POCSO Act would not attract to this case. There

is no cogent and reliable evidence came on record to prove that during the aforesaid period, accused has repeatedly committed rape on minor victim girl/informant. Thus, there is no evidence available to prove that accused has committed an offence punishable u/s. 376(2)(n) of the Indian Penal Code and u/s.4 of the Protection of Children from Sexual Offences Act, 2012. Hence, I answer point nos.1 and 2 in negative and proceed to pass the following order;

:: ORDER ::

1. Accused Dhammadip Uttam Ramteke is hereby acquitted of the offence punishable u/s. 376(2)(n) of the Indian Penal Code and u/s.4 of the Protection of Children from Sexual Offences Act, 2012.
2. Bail bonds of accused stand cancelled.
3. Accused is directed to furnish P. R. bond of Rs.15,000/- with a surety of like amount as per section 437-A of Cr.P.C. to appear before the higher court as and when such court issues a notice in respect of any appeal or petition filed against this Judgment.
4. The Judgment is dictated and pronounced in open Court.

Place: Chandrapur.
Date : 26.08.2025

(P. M.Gupta)
Judge, Special Court under
POCSO Act & ASJ., Chandrapur
(Fast Track Special Court)