

Part-‘A’ (Title Page of Judgment) (Para 44 (ii) of Chapter VI of Criminal Manual)		
	<u>IN THE COURT OF SESSIONS JUDGE, WASHIM</u> Present: M. S. Sahastrabudhe, Additional Sessions Judge, Washim [Date of the Judgment: -16/06/2026] [Special Child Protection Case No. 48/2018] CNR No. MHWS010012152018	
	Exh. No.114	
Complainant		State of Maharashtra through Police Station, Ansing, Tq. Dist. Washim. Crime No. 26/2018
Represented By		A. P. P. Smt. S.P Kulkarni
Accused		Ravi Suresh Devkar Age : 22 years, Occup.: Labour r/o. Bibi, Tq. Lonar, Dist. Buldhana.
Represented By		Shri.R.S.Gawali, Advocate for accused

<u>Part – 'B'</u> <i>(Para 44 (ii) of Chapter VI of Criminal Manual)</i>	
Date of Offence	26/08/2024
Date of FIR	27/08/2024
Date of Charge-sheet	18/12/2024
Date of Framing of Charges	04/03/2025
Date of commencement of evidence	16/07/2035
Date on which judgment is reserved	16/06/2026
Date of the Judgment	16/06/2026
Date of the Sentencing Order, if any	--

Accused Details

Rank of 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	Ravi Suresh Devkar	24/02/18	01/03/18	Ss. 363, 366A 376(3) of IPC and Ss.3(1)(r)(s), 3(1)(w)(i)(ii), 3(2)(va) of SC & ST Act, Ss.7, 8, 12 of POCSO Act.	Acquitted	Nil	Not applicable.

Part- 'C'*(Para 44 (iii) of Chapter VI of Criminal Manual)***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)
PW-1	Sheshrao Basu Rathod	Panch witness
PW-2	Gajanan Narayan Mhaske	Panch witness
PW-3	Father of Victim	Complainant
PW-4	Victim	Witness
PW-5	Gopal Rajaram Ghode	Panch witness
PW-6	Vaijanath Sheshrao Dhang	Other witness
PW-7	Maroti Dhondba Kapate	Panch witness
PW-8	Jayshree Namdeorao Devkate	Medical officer
PW-9	Supriya Subhash Rajole	Medical officer
PW-10	Namrata Ashokrao Rathod	Investigating Officer
PW-11	Sudhakar Popat Yadav	Investigating Officer

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW-1	Nil.	Nil.

C. Court witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW-1	Nil.	Nil.

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

Sr. No.	Exhibit Number	Description
1	Exh.18/PW-1	Letter
2	Exh.19/PW-1	Panchanama
3	Exh.21/PW-2	Spot panchanama
4	Exh.29/PW-3	Report
5	Exh.30/PW-3	Printed FIR
6	Exh.33/PW-4	Statement u/s 164 Cr.PC.
7	Exh.35/PW-5	Panchanama
8	Exh.36/PW-5	Panchanama
9	Exh.42/PW-6	Nirgam utara
10	Exh.43/PW-6	Verified copy of entry register
11	Exh.44/PW-6	Copy of school leaving certificate
12	Exh.52/PW-7	Seizure panchanama
13	Exh.53/PW-7	Seizure panchanama

14	Exh.59/PW-8	Opinion about age of victim
15	Exh.63/PW-9	Report
16	Exh. 64/PW-9	Report
17	Exh.67/PW-10	Order
18	Exh.68/PW-10	Statement
19	Exh.78/PW-11	Letter about registration of Crime
20	Exh.79/PW-11	Letter about directions about arrest of accused
21	Exh.80/PW-11	Letter issued to PI for preparation of panchanama
22	Exh.81/PW-11	Letter issued to MO
23	Exh.83/PW-11	Letter to SP Washim
24	Exh.84/PW-11	Letter issued to SDO
25	Exh.88/PW-11	Letter issued to CA
26	Exh.90/PW-11	Letter dated addition of sections
27	Exh.82/PW-11	Arrest panchanama
28	Exh.85/PW-11	Notice u/s 91 of Cr.P.C.
29	Exh.86/PW-11	Caste Certificate of complainant
30	Exh.87/PW-11	Caste Certificate of victim
31	Exh.89/PW-11	Statement u/s 164 Cr.Pc.

B. Defence :

Sr. No.	Exhibit Number	Description
1.	Exhibit	Nil

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	Exhibit	Nil

D. Material Objects :

Sr. No.	Exhibit Number	Description
1.	MO1 to MO2	Mobile
2.	MO 1 to MO4	Clothes of the Accused
3.	MO5 to MO8	Clothes of the victim

:: J U D G M E N T ::

(Delivered on this 16th day of June 2026)

The accused is facing the trial for the offences punishable under Sections 363, 366A 376(3) of the Indian Penal Code (IPC for short), and Sections 3(1)(r)(s), 3(1)(w)(i)(ii), 3(2)(va) of SC & ST [Prevention of Atrocity], Act, Sections 4, 6, 7, 8, 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act for short).

2 a. Prosecution's Case :-

The father of the victim had given report in the form of First Information Report (*hereinafter referred as "FIR"*) on 22/02/2018. (In view of Section 228 - A of IPC and Section 33 (7) of the POCSO Act, the name of addresses of the victim and her relatives are not disclosed to protect their identity)

The FIR was given on 22/02/2018 by the father of the victim alleging that he is residing alongwith his wife and two daughters and one son. He is doing labour work. Victim is his younger daughter and she is studying in 8th std. On 19/02/2018 father of the victim along-with his wife and son went to attend the funeral of the relative at Gundha, Tq.Lonar. On 21/02/2018 in the evening at about 4.00p.m. they returned to their house. At that time, his elder daughter told him that at about 10.30 the victim left home for attending the

school. She left the home along-with her school bag, however she did not return back. On the day of incident it was Wednesday and on that day school timing of the victim was in the morning. As the victim did not return back informant inquired about her from her friends and in the school. However, she could not be traced out. It was within the knowledge of the informant that victim was time and again talking with someone on mobile No.8806380687. On inquiry informant learned that said mobile number was of the accused. The accused used to frequently visit the house his relative Kaluram, who was residing adjacent to the house of informant. Elder daughter of the informant further told him that at about 10.30 a.m. she saw accused standing across the road and he was doing some gestures seeing the victim. As such, informant suspected that accused had enticed away the victim and he gave the report in Police Station, Ansing.

2 b. First Information Report -

Upon the report given by the informant in Police Station Ansing, Crime bearing No.26/2018 came to be registered for the Offences punishable under Sections 363, 366A 376(3) of IPC and Sections 3(1)(r)(s), 3(1)(w)(i)(ii), 3(2)(va) of SC & ST Act, Sections 7, 8, 12 of the POCSO Act.

2 c . Investigation -

During the investigation, the Investigating Officer had arrested the accused. Victim was found along-with accused. Victim was given in the custody of her parents. During the investigation investigating officer had seized the clothes on the person of the accused and victim and had prepared seizure panchanama.

Investigating officer had also obtained caste certificate about the caste of the victim and her birth certificate from the informant. Statement of the victim was recorded under Section 164 of Cr.P.C. twice i.e. on 12/05/2018 and 20/06/2018. Initially, the victim has not stated anything against the accused. However, in her second statement she has stated that accused had given her false promise of marriage and had enticed her away. He took her to Pune and Bibi. Initially she did not state anything against the accused as he had threatened to kill her parents. Subsequently when pressure on her mind of the threats given by the accused was released, she has stated that accused had enticed her away by giving false promise of marriage and thereafter he had forcefully committed rape on her. Upon completion of the investigation, I.O. had filed charge sheet against accused before this court, as the offences levelled against the accused are exclusively triable by the special court.

2 d. Charge -

My learned predecessor had framed charges against the accused for the offences punishable under Sections 363, 366A 376(3) of IPC and Sections 3(1)(r)(s), 3(1)(w)(i)(ii), 3(2)(va) of SC & ST Act, Sections 7, 8, 12 of the POCSO Act vide Exh.12 on 06/06/2019. The contents of the charge were read over and explained to the accused. The plea of the accused was record at Exh.13. The accused pleaded not guilty and claimed for trial as such the trial had commenced. After completion of the trial the prosecution had filed application for addition of charge vide Exh.99 and for addition of charge u/s 4 & 6 of POCSO Act against the accused. Said application was allowed and additional charge was framed against the accused u/s 4 & 6 of POCSO

Act vide Exh. 108. The accused pleaded not guilty for the said charge. Plea was recorded below Exh.109.

2 e. Evidence led by the prosecution -

In order to prove the guilt of the accused, the prosecution has examined in all 11 witnesses referred in Part – C above. Apart from oral evidence, the prosecution has also relied upon the documents and the material objects referred in Part – C above. The prosecution has closed its side by filing pursis Exh. 91. After alteration of charge opportunity was given to both sides to lead evidence. However prosecution vide pursis Exh.110 and Ld. advocate for accused vide pursis Exh.113 had clarified that they do not wish to examine any witness for additional charge.

2 f. Statement of the accused under Section 313 of the Cr.PC. -

The circumstances appearing against the accused were brought to his notice and explained to him while recording his statement under Section 313 of Cr.PC vide Exh. 95. The answers given by the accused were recorded in the same statement. The defence of the accused was of total denial and false implication. The accused had opted not to examine any defence witnesses.

At the conclusion of the trial I have heard ld. A.P.P. Smt. S. P. Kulkarni for the prosecution and ld. Adv. Shri. R. S. Gawali for the accused at length.

3. Argument advanced on behalf of Prosecution -

It is argued by ld. APP that victim was aged about 13 years at the time when the offence was committed. Father of the victim has stated before the Court that he learned about the incident from the

victim and she has stated to him about the same. She has stated to him that the accused had enticed her away to Pune, Bibi, Sultanpur and he had forcefully committed rape on her. The victim has also stated said fact in her statement recorded under Section 164 of Cr.P.C. Other than these witnesses the prosecution has examined the Head Master of the school where the victim was studying. He has stated that the date of birth of the victim as per school record is 15/08/2004. He has brought on record school admission extract vide Exh.42. He had also brought original admission register in the Court. In addition to this, ossification test of the victim was carried out and Dr. Jayshree Namdevrao Devkate [PW-8]. She has stated that on ossification test age of the victim was found by her between 16 to 18 years. The prosecution has further examined other witnesses i.e. panchas, Dr. Namrata Ashokrao Rathod [PW-10], Investigating Officer Etc. All these witnesses have supported the prosecution case. There are no material contradiction or omission in their evidence. Thus, the prosecution has succeeded to prove the foundational facts and hence presumption under Section 29 of POCSO Act would be attracted against the accused. Lastly, it is submitted by Ld. APP that the, prosecution has proved the guilt of the accused beyond reasonable doubt and accused should be convicted with optimum punishment.

4. Argument advanced on behalf of the accused -

Per contra, the ld Adv. for the accused, has argued that accused is falsely implicated in the present case. Statement of the victim was initially recorded before the Court on 12/05/2011 under Section 164 of Cr.P.C. and she has not stated anything against the accused. However, subsequently she was pressurized and her statement

was recorded under Section 164 of Cr.P.C. on 20/06/2018. The victim was examined before the Court, however she has not stated anything against the accused. The other witnesses examined by the prosecution i.e. panch witnesses are not supporting the prosecution case. Though the Head Master of the school is examined by the prosecution still in his cross-examination he has stated that he has no knowledge on the basis on which document the entry of date of birth of victim was taken in the school record. Thus, the prosecution has failed to prove age of the victim. So also it has failed to prove the foundational facts to prove the offence against the accused. Hence, the presumption under Section 29 of POCSO Act would not be attracted and accordingly he has argued that accused needs to be acquitted.

5. On perusal of charge, evidence on record, statement of accused under Section 313 of Cr. P. C and after considering oral submissions of prosecution and defence side, the following points arise for my determination. The said points along-with the findings thereon with reasons are as follows :-

Sr. No.	Points	Decision
1.	Does the prosecution prove that at the time of incident the victim was minor ?	No.
2.	Does the prosecution prove that on 21/02/2018 at about 9.30 a.m. at Ansing Dist. Washim, accused committed kidnapping of the victim aged 13 years by enticing or taking away from the lawful custody of her guardian without his consent ?	No.
3.	Does the prosecution prove that on the aforesaid date time & place, accused committed kidnapping of victim aged about 13 years with intent that she may be compelled, forced or seduced to illicit	No.

	intercourse ?	
4.	Does the prosecution prove that on 23/02/2018 at about 24 hours at Bibi Dist. Buldhana accused committed rape on victim, a woman under 16 years of age ?	No.
5.	Does the prosecution prove that on the aforesaid date time & place accused with sexual intent touched the breast of minor victim ?	No.
6.	Does the prosecution prove that on the aforesaid date time & place, accused committed sexual assault on minor victim ?	No.
7.	Does the prosecution prove that on the aforesaid date time & place, accused intentionally touched the victim belonging to Scheduled Caste or Scheduled Tribe knowing that she belonged to Scheduled Caste or Scheduled Tribe when such act of touching is of a sexual in nature and without her consent ?	No.
8.	Does the prosecution prove that on the aforesaid date time & place, accused not being the member of Scheduled Caste or Scheduled Tribe committed offence specified in the Schedule against a person of the victim knowing that he is a member of Scheduled Caste or Scheduled Tribe ?	No.
9.	Does the prosecution prove that on the aforesaid date time & place, accused committed aggravated penetrative sexual assault on victim, aged about 13 years ?	No.
10.	What order ?	As per final order.

REASONS

As to point No.1 :-

6. It is the case of prosecution that the victim was minor girl

on the date of incident. Her date of birth is 15/08/2004 and she was aged about 13 years on the day of incident. As the accused is charged for the offences punishable under Sections 4, 6, 8 & 12 of the POCSO Act, it is necessary to ascertain whether the victim was minor at the time of incident. On behalf of accused it is vehemently submitted that the prosecution has failed to prove the age of the victim by adducing cogent evidence on this aspect.

7. Considering the rival submissions of both sides, if the evidence which is brought on record is appreciated then it appears that neither the victim nor her father has stated about her date of birth. In order to prove the date of birth of the victim prosecution has examined Vaijanath Sheshrao Dhage[PW-6] who is Head Master of the school in which the victim is studying. He has deposed that the victim has taken admission in their school in the 2nd standard. Prior to that informant was studying in Government Secondary Ashram School. On the basis of TC issued by Government Secondary Ashram School the entry of date of birth of victim was taken in the admission register of the school of this witness. On the basis of entries in the admission register of the school record, he has issued General Admission Extract (Nirgam Utara) of the victim. As per the General Admission Extract entry no.1679 the date of birth of the victim was 15/08/2004. This witness has specially stated that date of birth of victim was mentioned in the general admission register of his school only on the basis of TC issued by Government Secondary Ashram School. However, the prosecution has not examined the Principal of Government Secondary Ashram School. Neither the copy of admission register nor general admission extract from the first school attended by the victim is produced on record.

Hence, there is nothing on record to ascertain on that basis the entry of date of birth of victim was taken in the admission register on Government Secondary Ashram School.

8. It also needs to be appreciated that that the prosecution has also carried out the ossification test of the victim and Dr. Jayshree [PW-8] who has carried out said test is examined by the prosecution. This witness has stated that she has carried out the ossification test of the victim on 26/02/2018 and as per her examination, age of the victim was between 16 to 18 years.

9. In view of the aforesaid evidence which is brought on record by the prosecution regarding age of the victim, it appears that it is the prosecution case that date of birth of victim is 15/08/2004 and age of the victim was only 13 years on the day of offence. As discussed above, the prosecution has not examined the Principal of the school first attended by the victim nor General Admission Register of that school i.e. Government Secondary Ashram School is not produced on record. Thus, there is no evidence on what basis age of the victim was mentioned in the school admission register. The other evidence brought on record by the prosecution i.e. ossification test clarifies that age of the victim was between 16 to 18 years. The evidence brought on record about the date of birth of victim is contradictory with the evidence of ossification test. As per the school record age of the victim is about 13 years and as per ossification test her age of between 16 to 18 years. Thus, no clear evidence is brought on record by the prosecution to prove the age of the victim and accordingly I have come to the conclusion that the prosecution could not prove the age of the victim beyond reasonable doubt so also to prove that the victim

was child within the definition of Section 2(d) of the POCSO Act and accordingly I answer point no.1 in the negative.

As to point Nos.2 to 9 :-

10. As far as the incidence is concerned, father of the victim has specifically deposed that his elder daughter had told him that on the day of incident the accused was waiting for the victim outside their house and she suspected that the accused had enticed away the victim. As such he has given report against him. However, the elder daughter of the informant is not examined by the prosecution to prove the fact that she had seen accused was waiting for the victim outside their house on the day of incidence. Further IO has deposed that on the search of the accused, he was arrested and at that time victim was found along-with him. Thereafter accused and victim were brought to Police Station, Ansing and victim was given in the custody of her parents. Then her statement was recorded under Section 164 of Cr.P.C. dated 12/05/2018. In the said statement victim has not stated that accused had committed any illegal act. Again her statement was recorded on 20/06/2018 and in said statement she has stated that accused had enticed her away and forcefully committed rape on her against her wish.

11. In the case in hand, the prosecution has examined the victim vide Exh.32. During the examination the victim has stated that she does not know accused and she has denied the entire incident. She was cross-examined at length by the Ld. APP. However, no material admission has come on record in her cross-examination. The victim has totally denied that accused had enticed her away and had forcefully committed rape on her. She has even denied the contents of her second

statement[Exh.33] recorded under Section 164 of Cr.P.C. Though it appears that in the statement Exh.33 recorded under Section 164 of Cr.P.C. the victim had made allegations against the accused still in her examination before the Court she has denied the contents of the same. Even otherwise it needs to be appreciated that in her previous statement recorded under Section 164 of Cr.P.C. the victim has not made any allegations against the accused. Though it is the contention of IO that at that time she was threatened by the accused still it needs to be appreciated that when she gave the statement she was with her parents and accused was in jail. Hence, there is no question of the victim being under the threat of accused when her previous statement was recorded. Thus, as stated by the victim there is every possibility that her subsequent statement [Exh.33] might have been recorded due to some pressure on her. The victim was the only witness who could have stated about the illegal act of the accused, however she has not supported the prosecution. She was cross examined by length by Ld. APP however no material admission has come on record in her cross-examination.

12. Other than aforesaid witnesses the prosecution has examined panch witness Sheshrao Bhasu Rathod [PW-1], who is panch for the spot panchanama and has proved the spot panchanama Exh.19 of the house of the victim. The prosecution has also examined Gajanan Narayan Mhaske[PW-2] who is panch for the spot panchanama of spot shown by the victim at village Bibi. In chief examination this witness has stated that spot panchanama exh.21 was prepared in his presence. However, in cross-examination he has admitted that he did not go to the spot of incident and his signature was obtained on panchanama

merely because he was driver of jeep used by the police to go to village Bibi. The prosecution has examined Maroti Dhondba Kapate [PW-7] who is panch of seizure panchanama about seizure of mobile and seizure of clothes of accused. This witness has proved seizure panchanama Exh.52 & 53. Other than these witnesses, prosecution has examined PSI Namrata Ashokrao Rathod[PW-10] who has recorded statement of the victim and IO Dy. S.P. Sudhakar Popat Yadav[PW-11].

13. As discussed above the prosecution has failed to prove age of the victim, who was the sole witness so also the victim has not supported the prosecution case. In the said scenario technical evidence brought on record by the prosecution is not sufficient to prove the guilt of accused beyond reasonable doubt. Thus, the foundational facts could not be proved by the prosecution and no presumption could be attracted against the accused under Section 29 of the POCSO Act.

14. As far as caste of the victim is concerned, neither the victim nor her father have not stated about their caste in their examination before the Court. Though the IO has stated that he has collected caste certificate of the father of the victim and the same is marked As Exh.86 on record still said document is photo copy of caste certificate. No steps are taken by the IO to get same verified from the concerned authority. Thus, even caste certificate or caste of the victim could not be proved. Accordingly I answer point No.2 to 9 in the negative.

As to point no.10 :

15. In view of aforesaid discussion, I have come to the conclusion that prosecution utterly failed to prove the guilt of the accused. Hence, the accused is entitled for acquittal. Seized muddemal

i.e. Mobile of Micromax-Q 349 and Karbon K-140 Company be returned to the accused after the appeal period is over. The seized clothes of accused and victim being worthless be destroyed after appeal period is over. Thus, in **answer to point No.10**, I proceed to pass the following order:-

ORDER

- 1] Accused **Ravi Suresh Devkar** is acquitted for the offence punishable under Sections 363, 366A 376(3) of IPC and Sections 3(1)(r)(s), 3(1)(w)(i)(ii), 3(2)(va) of SC & ST Act, Sections 4, 6, 7, 8, 12 of the POCSO Act.
- 2] Bail bond of the accused stands cancelled and surety discharged.
- 3] The accused is directed to execute the bail bond of Rs.50,000/- (Rs. Fifty Thousand only) with surety in the like amount, in compliance with the provision of Section 437-A of Cr.P.C. to abide himself to appear before the Higher Court as and when said Court issue notice in respect of any appeal or petition filed against this judgment.
- 4] Seized muddemal i.e. clothes of victim and accused be destroyed after the appeal period is over.
- 5] Seized muddemal i.e. Mobile of Micromax-Q and Karbon K-140 Company be returned to the accused after the appeal period is over.

Judgment dictated, delivered and pronounced in open Court.

Place : Washim
Date : 16/06/2026

(M. S. Sahastrabudhe)
Addl. Sessions Judge, Washim.

Judgment

//18//

Spl. Child Prot. Case No.48/2018
State Vs. Ravi

Judgment

//19//

Spl. Child Prot. Case No.48/2018
State Vs. Ravi

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order :-

Name of the Stenographer	:-	R.K.Pawar, Stenographer (Grade-1)
Court Name	:-	District Judge-3 & Additional Sessions Judge, Washim
Date	:-	16/06/2026
Typed on	:-	16/06/2026
Order signed by the Presiding Officer on	:-	16/06/2026
Order uploaded on	:-	16/06/2026