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Part 'A'

BEFORE SPECIAL COURT AT YAVATMAL.

(Present : S. R. Sharma, Judge Special Court and Additional Sessions Judge)

Date of the judgment : 30/03/2026
Special Case No. : 94/2020 **Exh. No.**

Details of FIR/Crime : FIR No. 981/2018
and police station. Police-Station, Yavatmal City.

Prosecution. : The State of Maharashtra,
Represented By. : S. A. Darda, APP
Accused. : Pawan Manoj Kurve,
Aged about 22 years,
Occupation : Education,
R/o. Adarsha Nagar, Near Sandip
Takies Yavatmal,
Tq. and Distt. Yavatmal.

Represented By. : A. P. Sabale, for the accused.

Part 'B'

Date of offence. : 15/10/2018
Date of FIR : 16/10/2018
Date of charge-sheet. : 14/10/2020
Date of Framing of charges. : 10/11/2021

Date of commencement of evidence. : 24/07/2024
Date on which judgment is reserved. : 30/03/2026
Date of the judgment. : 30/03/2026
Date of the Sentencing Order, if any. : N.A.

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 of section 428, Cr.P.C.
1.	Pawan Manoj Kurve.	16/10/18	24/10/18	427, 341, 323, 506, 354(A), 354(D), IPC and Sec. 12 of Pocso Act.	Acquitted-- ---	N.A.	N.A.

JUDGMENT

(Delivered on 30th March, 2026)

The accused has been arraigned for the offence punishable under sections 427, 341, 323, 506, 354-A, 354-D of the Indian Penal Code (hereinafter referred to as The IPC for the sake of brevity) and Section 12 of Protection of Children From Sexual Offences Act (hereinafter to as The POCSO Act).

2] The compendious facts of the prosecution case are that victim (hereinafter referred to as X in view of legal mandate) at the time of incident was residing with her parents and taking education in 10th grade. Every day she was reached by her father to school and in return collected by her grand father. The accused resides in her neighborhood. Since one year prior to incident he started lying in wait for her at the gate of her school. He

attempted to follow and contact X to foster personal interaction. When this fact was brought to notice of her family by X they took up the matter with his family. He agreed to their understanding not to harass her. However, after sometime he resumed attempts to foster personal interaction with her by contacting her over mobile. In spite of clear indication of disinterest by X the accused did not desist. Since X was taking education in 10th Grade her family refrained to lodge report. Nevertheless, on 15/10/2018 at 10.00 p.m. when X was returning after pandal hopping on her bike the accused waylaid her. He assaulted her by means of slaps, fist blows. He even damaged the bike which she was riding. He threatened that he would not let her be with anyone else. He was restrained by his two friends. X then left for her home. On the next day, she lodged report.

3] On its basis Crime No.981/2018 came to be registered. Further investigations were conducted. Spot panchanama was drafted. Map of spot was got prepared. Relevant documents including SDR/CDR were gathered. Statement, supplementary statements of witnesses were recorded. Documents pertaining to vehicle were collected. On completion of investigation charge-sheet was filed in Court.

4] My Ld. predecessor framed charge against the accused for the offence punishable under sections 427, 341, 323, 506, 354A, 354D of the Indian Penal Code and Section 12 of Protection of Children From Sexual Offences Act vide Exh.24 the contents whereof were read over and explained to him in vernacular. He

pleaded not guilty and claimed to be tried vide his plea (Exh.No.25). His defence is of total denial and false implication vide his statement under section 313 of Code of Criminal Procedure (Exh.No.56).

5] The points for determination along-with my findings thereon are as follows :

<u>POINTS</u>		<u>FINDINGS</u>
1)	Whether the prosecution proves that the accused committed mischief by causing damage to bike of X ?	No.
2)	Whether the prosecution proves that the accused wrongfully restrained X?	No.
3)	Whether the prosecution proves that the accused voluntarily caused hurt to X?	No.
4)	Whether the prosecution proves that the accused criminally intimidated X?	No.
5)	Whether the prosecution proves that the accused sexual harassed X ?	No.
6)	Whether the prosecution proves that the accused stalked X ?	No.
7)	Whether the prosecution proves that the accused sexual harassed X ?	No.
8)	Whether the prosecution proves that the accused sexual harassed minor X ?	No.
9)	What order?	The accused is acquitted.

REASONS

As To Point Nos.1 To 8 :

6] In order to avoid pleonasm and since evidence of above points is interlinked it is opportune to consider it conjointly.

7] Additional Public Prosecutor vide his written argument (Exh.57) maintained that through oral as well as documentary evidence the prosecution has been able to prove charges arraigned against the accused whereby he deserves to be convicted, sentenced. Refuting the prosecution case the defence counsel asserted that the evidence is fragmented whereby charges are not proved against the accused entitling him for exculpation. Myriad defenses were taken which are discussed hereunder with facet against which they are raised.

8] In order to prove the guilt of the accused the prosecution has examined victim X as PW1 at Exh.43, her mother witness X as PW 2 at Exh.44 and IO SP(CVC) Patil as PW3 at Exh.53.

9] It has come in the testimony of victim X (PW-1) that the incident occurred in year 2018 when she was taking education in 10th grade. She stated that initially the accused used to lay in wait for her at her school gate and attempted to foster personal interaction to which she indicated her disinterest. She continued that when she informed her family of the same, they had a word with the accused on which he assured to desist. She narrated that the accused however continued repeatedly harassing her over

mobile of her grandfather which was used by her. She explicated that he demanded for her to enter into relationship with him.

10] She recalled that on 15/10/2018 around 10.00 p.m. when she was returning on her bike after pandal hopping during Navratri festival the accused intercepted her on way. She testified that he beat her by means of slap, fists blows. She elaborated that he even damaged her bike by breaking its parts. She enunciated that the accused brandished a knife to criminally intimidate her. She concluded that on going home she had narrated the incident to her parents and on next day report (Exh.P-2/PW1) was lodged by her.

11] The prosecution has detailed that the incident originated since victim X (PW1) had not reciprocated interest demanded by the accused. Motive was contested by defence by projecting that both of them were already connected, involved whereby genesis projected by the prosecution is rendered nugatory. In this regard attention of this Court is drawn to SDR, CDR (Exh.54). On scanning the same, it is lucid that defence has managed to project its contest as worthy of consideration. This is because the prosecution has not offered any explanation for the numerous SMS, calls which are evident to have been exchanged between the mobiles under usage of victim X (PW1) and that of the accused.

12] The defence counsel antagonized that the testimony of victim X (PW1) was smeared with substantial contradiction and omission whereby no reliance could be placed on the same.

Additional Public Prosecutor counteracted the discrepancies highlighted to be trifle. Under the nature of case and considering charges arraigned against the accused the testimony of victim X (PW1) forms the crux of the matter. It is paramount for the fate of the case. However, if it is scrutinized it is perspicuous to be blistered with crucial variances, pertaining not only to facts leading to occurrence of main incident on 15/10/2018 but even subsequently till registration of crime, all of which have been contested by the defence aggressively.

13] In regard to occurrence of incident victim X (PW1) narrated that it involved her being wrongfully restrained, inflicted simple hurt also criminally intimidated, sexually harassed. The defence managed to extract through her pertinacious cross-examination the facet of substantial particulars forming incident to be incongruent with her testimony and statement. Victim X (PW1) replied that her statement (Exh.P-4/PW1) was wrongly reduced however, presented no clarification as to why the same was signed by her if it was so. There is vital disparity in her version in regard to sequence of events claimed to have transpired during occurrence of incident. The focal testimony is seen to be equivocal.

14] In view of the above ambivalence on part of victim X (PW1) it was essential for the prosecution to advance such corroborating evidence as would enable to obliterate the vacuity arisen and vivify the prosecution case. In this context, the prosecution has examined her mother witness X (PW2). However,

it is manifest that the account given by her is merely hearsay. She has testified that the incident was narrated to them by victim X (PW1) on returning home.

15] As per prosecution case, there are spate of shops and houses located around the alleged spot. The same is evident from spot panchanama (Exh.32) and Map (Exh.34). This has also been acquiesced by victim X (PW1) as well as her mother X (PW2). The same was even reiterated by IO SP(CVC) Patil (PW3). Thus, it was open for prosecution to tender best evidence in the form of any independent witness who might have viewed the same. In fact SP(CVC) Patil (PW3) elaborated in his testimony that one person Chetan had indeed intervened the incident. Victim X (PW1) cohered that Chetan had taken the accused aside. However, none not been Chetan have been examined. SP(CVC) Patil (PW3) enunciated that when persons living in vicinity were enquired from nothing was revealed through their statements. So far as Chetan is concerned he replied that no inquiry had been done by him from that witness. Thus, fortification which was necessitated in view of ambiguity within version of victim X (PW1) is lacking.

16] The defence further combated that there was present no documentary evidence which would buttress the matrix of occurrence by proving mischief being caused and hurt being sustained. In this regard, there is tendered no medical certificate on record. No doubt the same is not mandated in every case under section 323 of I.P.C. Nevertheless, where there is scarcity of invigorating testimonies as in instant matter, the same would have

enabled to render case robust. Also so far as mischief is concerned no details of the damage which is contended to have occurred are denoted. No details are specified in report (P-2/PW1) nor in statement (Exh.P-4/PW1). Even through panchanama (Exh.32) and Map (Exh.34) evidence in this regard is not signified. There are present no photographs which would depict the condition of the vehicle which could make pellucid the charge of mischief and also bolster the occurrence of incident. Evidence in regard to both is missing. These significant *lacunae* shatter the nucleus of the prosecution case.

17] The defence exhorted that crux of the matter gets crumbled since evidence as to date of birth of victim X (PW1) which is essential to attract sections under POCSO Act is not credible, cogent. In this regard, the defence has managed to highlight that even though victim X (PW1) and her mother X (PW2) testified of having disclosed her date of birth during investigation the same is not found to feature in report (Exh.P-2/PW1), FIR (Exh.P-3/PW1) neither in statement (Exh.P-4/PW1). This void in continuation of paucity enumerated supra in context of occurrence is not effaced only by certificate (Exh.P-1/PW1) so as to bring home the charge which are founded upon the same.

18] The defence challenged that report (Exh.P-2/PW1) was itself not veracious but instead was signed by victim X (PW1) after it had been dictated by her uncle who serves in Police Department. This was refuted by prosecution in argument. It is

also denied by witnesses initially in their cross-examination. However, on confronting them it is extracted that this has been expounded by victim X (PW1) in her statement (Exh.P-4/PW1). The same was even concurred by her mother X (PW2). Thus, the defence has been able to render probable its stance that report (Exh.P-2/PW1) came to be lodged at the instance of the family of victim X (PW1) by keeping her in forefront since they did not approve of the accused. In this context none of the witness has remained steadfast and instead wobbling, oscillating versions are advanced by them.

19] The ocular evidence is found to be desultory. The documentary evidence which was advanced with a view to obliterate the ambivalence and fortify the charges attributed to accused also suffers from dubiety. Occurrence of incident is shrouded in quandary. There is paucity of evidence in regard to the charge of mischief. There is dearth of evidence whereby it cannot be held that the accused wrongfully restrained and voluntarily caused hurt to victim X (PW1). That the accused criminally intimidated and sexually harassed victim X (PW1) could not be established. The evidence is not found potent and concrete to hold that accused tried to foster personal interaction despite disinterest exhibited by minor victim X (PW1) by stalking her.

20] The onus has not been discharged by prosecution beyond reasonable doubt. A conviction is not warranted unless that burden is sustained. A conviction cannot be sustained on the

basis of conjecture, suspicion, a mere belief in the accused guilt or even a strong probability of guilt. I, therefore, answer point Nos.1 to 8 in negative. In regard to seized property it is informed by defence that the vehicle had been obtained by accused on suprutnama but not the mobile. Nothing contrary caused posited by prosecution. Ergo, in answer to point No.9, I ordain as follows.

ORDER

- 1) The accused Pawan Manoj Kurve, R/o. Adarsha Nagar, Near Sandip Talkies Yavatmal, Tq. Distt. Yavatmal. is hereby acquitted of the offence punishable under sections 427, 341, 323, 506, 354A, 354D of the Indian Penal Code and Sections 12 of Protection of Children From Sexual Offences Act vide section 235(1) of the Code of Criminal Procedure.
- 2) Bail bonds of the accused stand canceled.
- 3) Seized two-wheeler Splendor Motor Cycle No. MH-29-AC-9614 already released on Supratnama. Supratnama stands cancelled once appeal period is over.
- 4) Seized One Mobile of Life Company be returned to owner after due verification once appeal period is over.
- 5) The accused to furnish Personal Bond of Rs.15,000/- (Rs. Fifteen thousand only) and surety bond of like amount vide section 437-A of the Code of Criminal Procedure.

Place:Yavatmal.
Date : 30/03/2026.

(S.R.Sharma)
Additional Sessions Judge,
Yavatmal.

APPENDIX
Part 'C'

A. Prosecution witnesses.

Rank	Name	Nature of evidence
PW1	X	Victim
PW2	X	Witness/mother
PW3	Amar Vijaysingh Patil	I. O.

B. Defence witnesses, if any : Nil.

C. Court Witnesses, if any : Nil.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution Exhibits :

Sr.No.	Exhibit Number	Description
1.	P-1/PW1	Birth Certificate
2.	P-2/PW1	Report
3.	P-3/PW1----	Printed FIR
4.	P-4/PW1	Statement of 164
5.	P-5/PW3	Arrest Form
6.	P-6/PW3	Letter
Admitted Documents		
1	Exh.54	SDR/CDR

B. Defence Exhibits.: Nil.

C. Court Exhibits. : Nil.

D. Material Objects : Nill
