

Presented on :- 18/10/2013

Registered on :- 18/10/2013

Decided on :- 11/08/2014

Duration:- Y. 01 M. 09 D. 23

IN THE COURT OF SPECIAL JUDGE PUNE AT:PUNE

**[Presided over by Mrs. Prachi P. Kulkarni,
District Judge-1, & Special Judge Pune (Under The
Protection Of Children From Sexual Offences Act 2012)**

Special Case No. 99/2013.

Ex. No.

State of Maharashtra,
(Through Police Station Officer,
Vishrambaug Police Station)

.. Prosecution

Versus

1] Sagar Hiranman Rajguru
Age – 20 years, Occ –
R/at – Tukai Nagar, Vadgaon,
Pune

2] Rohit Chandrakant Patil
Age – 19 years, Occ -
S.No. 130, Opp. Ramkrushna
Math, Dandekar Bridge, Pune

.. Accused.

***Charge for the offence Punishable
under S. 509, 506, 34 Of IPC and Sec.
12 of The Protection of Children from
Sexual Offences Act, 2012.***

Appearances :

Shri P. S. Jadhav – Special Public Prosecutor for the State
Shri. V. A. Musale – Advocate for the accused.

J U D G M E N T

(Decided on 11th August 2014)

The accused Sagar Hiranman Rajguru and Rohit Chandrakant Patil are facing this trial for the commission of offence punishable under Section 509, 506, r/w 34 of Indian Penal Code and Section 11(i) of The Protection of Children from Sexual Offences Act, 2012.

2) In short the case of the prosecution is that, complaint Rutuja Arjun Fand on 29-1-2013 to Vishrambaug Police Station alleging that her age is 12 years and she is studying in Std. VIIth at Nutan Marathi Vidyalaya Girls High-school, Pune. She resides along with her parents, brother and grandmother. It is her say that she was attending class every day since 7.30 to 8.30 at Ganesh Colony. At that time, some boys gathered in Ganesh Colony and they are teasing her. Then it is her say that one boy came near to her after the school when she was proceeding to her house and asked her friendship and gave chit and threatened her. Both Sagar and Rohit were teasing her.

Thus she lodged the complaint.

3) The Vishrambaug Police have registered the case, recorded statement of witnesses, draw panchanama, arrested the accused and filed charge-sheet in the Court.

4) Record shows that both the accused were arrested on 19-03-2013 and they were released on bail.

5) My Ld. Predecessor framed charge against the accused under section 509, 506, r/w 34 of I.P.C. and Section 11(i) of The Protection of Children from Sexual Offences Act, 2012. The said charge was read over and explained to the accused in Marathi, they denied the charges and claimed for trial.

6) To prove the case, the prosecution has examined victim girl Rutuja Arjun Fand vide Exh-11, then her mother Ragini Arjun Fand at Exh-12. Both turn hostile. So special AGP filed evidence closed pursis vide Exh-13.

7) I noticed there are no any incriminating circumstances on record against the accused persons. So I have not recorded the statement of accused under section

...4....

313 of Cr.P.C. The order to that effect is passed below Exh-1.

8) I heard the submission of both the sides.

9) After going through the record of the case and considering the submission of both the sides, following points arise for my determination. I record my points and findings together with reasons stated below.

Points

Findings

1. Whether the prosecution proves that accused No. 1 and 2 in between 9-11-2013 to 16-1-2013 or thereabout at S.P. College Pune either individually or in furtherance of their common intention, intending to insult the modesty of the woman Ku. Rutuja Arjun Fand – Age 12 years made gesture by hand with intending that the same shall be heard by said complainant and thereby committed an offence punishable under section 509 of The Indian Penal Code ?
– In the negative.
2. Whether the prosecution proves that on aforesaid day, date, time and place and during the course of same transaction accused No. 1 and 2 either individually or in furtherance of their common intention did an act to wit committed the offence of criminal intimidation by threatening Ku. Rutuja Arjun Fand and thereby

Points**Findings**

- | | |
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| committed an offence punishable under section 506 of Indian Penal Code? | – In the negative. |
| 3. Whether the prosecution proves that accused No. 1 & 2 on the aforesaid day, date, time and place during the course of same transaction makes handmade gestures with intention for sexual harassment of Ku. Rutuja Arjun Fand and thereby committed an offence punishable under section 11(i) of The Protection of Children From Sexual Offences Act, 2012 | – In the negative. |
| 4. What order ? | – As per final order. |

REASONS**As To Point No.1 to 3. :-**

10) After perusal of evidence of main witness of this case, victim girl who had lodged report to Vishrambaug Police Station at C.R. No. 5/13 is not ready to state her case before the Court. She is not ready to identify the accused before the court to say that they have teased her, thrown her chit and misbehaved with her. She even not identified the accused before the Court. She is straight away stated that she is not identifying the accused.

11) Her mother Ragini Arjun Fand has also not stated her story before the police in the court. So both

witnesses have not supported the prosecution case. So no any evidence is come on record against accused. Thus due to lack of evidence on record, accused are entitle to acquit. Hence, I answer points accordingly and proceed to pass following order -

ORDER

(1) Accused No. 1 Sagar Hiranman Rajguru and accused No. 2 Rohit Chandrakant Patil are hereby acquitted for the offences punishable under Sections 509, 506, r/w 34 of Indian Penal Code and Section 11(i) of The Protection of Children from Sexual Offences Act, 2012.

(2) Their bail bond stands cancelled.

(3) They are hereby released on bail on execution of SB and PB of Rs.15,000/- each as per Sec.437-A of Cr. P. C.

Pune.

Date: 11/8/2014

(Mrs. Prachi P. Kulkarni)
District Judge-1 & Special
Judge(Under The Protection
of Children From Sexual
Offences Act, 2012

I affirm that the contents of this P.D.F file Judgment are same word for word as per original judgment.

Name of Steno. :- Megha R. Saptarshi

Court Name:- Sou. Prachi P. Kulkarni, Special Judge, Pune.

Date:- 11-8-2014

Judgment signed by Presiding Officer on : 12-8-2014

Judgment uploaded on : 12-8-2014