

MHAH010005792023 	Presented On :	25.01.2023
	Registered On:	25.01.2023
	Decided On :	14.08.2026
	Duration	Y M. Ds. 3 6 20

SPECIAL CASE No.17/2023

Exhibit No. 77

Form No. XXXII

Part 'A'

(Title Page of Judgment)

(Para 44(i) of Chapter VI of Criminal Manual)

IN THE COURT OF FAST TRACK SPECIAL JUDGE (POCSO) AHMEDNAGAR , AT AHMEDNAGAR, DISTRICT AHMEDNAGAR. (Presided over by M. H. Shaikh)	
(FIR No.900/2022, U/s. 376(2)(n)(3), 363 and 366 of the Indian Penal Code-1860 (For Short, the “I.P.C.”) and under section 3 & 4 of The Protection of Children from Sexual Offences Act (For Short, “POCSO Act”) of Shevgaon Police Station, Tal. Shevgaon, and District - Ahmednagar.)	
Complainant	State of Maharashtra, Through Shevgaon Police Station, Tal. Shevgaon and Dist.- Ahmednagar.
REPRESENTED BY	Smt. M. P Kelgandre, Learned APP for the Prosecution.
ACCUSED	Yogesh Ashok Mhaske, Age: 22 Years, Occ : Labour, R/o. : Varur Khurd, Tal.Shevgaon and Dist. Ahmednagar.
REPRESENTED BY	Learned Advocate Shri S. S. Gugale and Shri H. D. Tangade for the Accused.

Part – 'B'(Para 44 (ii) of Chapter VI of Criminal Manual)

Date of offence	25/11/2022
Date of Chargesheet	18/01/2023

Date of Framing of Charges	10/07/2023
Date of commencement of evidence	24/03/2026
Date on which judgment is reserved	-----
Date of the Judgment pronounced	14/08/2026
Date of the Sentencing Order, if any	-----

Accused Details

Rank of 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 428 Cr.P.C.
1	Yogesh Ashok Mhaske	01.12.22	22.2.23	U/s. 376(2)(n) (3), 363 and 366 of IPC and 3 & 4 of POCSO Act.	Acquitted.	-----	02 months 21 days.

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))
PW1	Informant (Exh.42)	Mother of Victim.
PW2	Victim (Exh.44)	Victim.
PW3	Vishwas Baburao Pavra (Exh.53)	Investigating Officer.

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 WITNESS, OTHER WITNESS)
Nil	Nil	Nil

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

Serial no.	Exhibit no.	Description
1	43	Report.
2	45	Statement of victim U/s. 164(5) of Cr.PC,
3	50	Medical Examination report of victim.
4	51	Spot panchanama
5	54	Order of investigation.
6	55	Printed FIR.
7	56	Letter to the Principal of school where victim was studying.
8	57	Certificate of details of victim from her school.
9	58	Permission of Superintendent of police to go out of State for investigation of case.
10	59	Receipt of Letter for providing help to Silvassa Police Station.
11	60	Extract of entry in Station dairy.
12	61 to 63	Portion mark A, B and C recorded in the statement and supplementary statement of victim.
13	64	Letter for medical examination of victim.
14	65	Seizure panchanama of clothes of victim.

15	66	Arrest panchanama of accused.
16	67	Letter for medical examination of accused.
17	68	Medical papers of accused.
18	69	Letter for addition of section.
19	70	Spot panchanama.
20	71	Seizure panchanama of clothes of accused.
21	72	Letter sent to Court for recording the statement U/s. 164 of Cr.PC. of victim.
22	73	Birth certificate of victim.
23	74	Seizure panchanama of Motorcycle used in crime.
24	75	Letter for examination of seized articles for analysis.

B. Defense:

Serial no.	Exhibit no.	Description
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C. Court exhibits:

Serial no.	Exhibit no.	Description
1	23 and 24	Charge & Plea of Accused.
2	76	Statement of the Accused u/s 313 of Cr.PC. (Marathi).

D. Material objects:

Serial no.	Material object number	Description
1	A to F	Clothes of victim and accused.

JUDGMENT
(Delivered on 14/08/2026)

1) Accused is facing trial under section 376(2)(n)(3), 363 and 366 of the Indian Penal Code (For Short, "I.P.C.") under section 3 & 4 of The Protection of Children from Sexual Offences Act (For Short, "POCSO Act").

2) **Brief facts of Prosecution case :**

Informant is the mother of the victim. Informant is living jointly with her husband, Victim aged about 15 years and son at Kharadgaon, Tal. Shevgaon, Dist. Ahmednagar. Victim is taking education in New English School, Kharadgaon, Tal. Shevgaon, Dist. Ahmednagar and studying in Ninth standard. On 25/11/2022 in the morning at 11.00 a.m. victim went from house to New English School, Kharadgaon along with her son. Her husband went for centering work at Khandobanagar, Shevgaon of Ghanwat Doctor. At about 12.30 p.m. the phone call of Shriram Ashok Mhaske came on the mobile phone of her husband and informed him that somebody has taken her daughter on the motorcycle and went to the side of Salwadgaon. Thereafter she and her husband made a phone call to the Kate Sir of the school and asked where about of victim. The Sir informed that victim had stated that her stomach is paining and she want to go home. Her husband took search of her daughter however she could not trace out. Unknown person had instigated and kidnapped her. On these allegations, crime came to be registered.

In the supplementary statement of victim, she has stated

that on 25/11/2022 at about 11.00 the accused who is the neighbour came outside the gate of school and took the victim on motorcycle to Nagar. Thereafter accused took the victim to the room of relatives at nagar and room of Prathmesh Tidke at Pune, where he committed sexual intercourse with the victim without her consent and will. Thereafter took victim to Gujarat at the house of friend. They stayed for two three days. While searching room the relatives of victim and police caught the accused and victim was brought by them to Shevgaon.

3) On the basis of the report, crime came to be registered as Crime No.I-900/2026. Investigation was handed over to PSI Shri. Vishwar Baburao Pavra. He sent the victim and accused for medical examination. I.O. conducted spot panchanama and seizure panchanama of clothes of victim, accused and motorcycle used in the crime and deposited the muddemal in the police station. He also sent letter to Ld. JMFC for recording the statement of victim under section 164 of Cr.PC. and obtained the same. Also sent letter to the Principal of New English School, Kharadgaon, Tal. Shevgaon Dist Ahmednagar for details of victim and obtained the same. He collected birth certificate of victim. Further recorded the statements of victim and witnesses. He effected arrest of the accused. He sent the muddemal and DNA samples to Chemical Analyzer, Nashik. After completion of the investigation, filed charge-sheet against the accused before this court.

4) Charge came to be framed by this court vide Exh.23 against

Accused. Record reflects that the contents of the charge came to be read over to the accused in vernacular language, to which he did not plead guilty and claimed to be tried.

5) In order to prove their case, prosecution examined only three witnesses i.e. victim, his mother and Investigating Officer. Besides the oral evidence, prosecution also relied upon the documentary evidence, which are referred above. Prosecution closed their evidence by filing evidence closed pursis at Exh.75.

6) Thereafter the statement of the accused under section 313 of Cr.P.C. came to be recorded at Exh.76. Accused denied the questions put to him and his defence is that of false implication.

7) Accused did not step into the witness box, neither examine any witnesses on his behalf nor file any documentary evidence in his defence.

8) Heard Ld. A.P.P. Smt. M. P. Kelgandre and Ld. Advocate Shri H. G. Tangade for the Accused. Gone through the evidence on record.

9) Following points arise for determination of this court and this court has recorded its findings against each of them for the following reasons :-

	<u>Points</u>	<u>Findings</u>
1	Is it proved beyond reasonable doubt by the prosecution that, accused on 25/11/2022 at about 11.00 p.m. kidnapped the	

	daughter from the gate of New English School, Kharadgaon, Tal. Shevgaon, Dist. Ahmednagar of victim under the age of sixteen years from the lawful guardianship of the informant on the pretext of marriage and took the victim to Pune and Gujarat ?	Not Proved.
2	Is it proved beyond reasonable doubt by the prosecution that, accused on 25/11/2022 in between 12.00 hours to 7.00 a.m. in the rental room of Prathmesh Tidke at Hadapsar, Dist. Pune forcibly committed repeated rape on the minor victim girl under sixteen years of age in capable of giving consent and against her will ?	Not Proved.
3	Is it proved beyond reasonable doubt by the prosecution that, accused committed penetrative sexual assault on the minor victim girl under sixteen years of age ?	Not Proved.
4	What offence / offences is / are proved by the prosecution ?	No offence is proved.
5	What order ?	As per final Order.

REASONS

As to Point No.1 to 3 :-

10) PW1 is the informant and PW2 is the victim in this case. If we peruse their evidence, one will find that it has come in their evidence that victim was studying in 9th Standard at the time of incident at New English School, Kharadgaon, Shevgaon. Victim and accused went on motorcycle to Nagar, Pune and Gujarat. Informant had lodged the report in Police station against the unknown person. After tracing them in Gujarat, they were brought to Shevgaon. Informant PW1 and Victim PW2 had resiled from their report and statement, therefore Ld. APP cross examined

them. Victim has denied the contents of her statement under section 164 (5) of Cr.P.C. recorded before Ld. JMFC. They have admitted that the dispute is resolved out of court. The evidence of PW3 is of formal nature. PW3 has investigated the crime and seized the clothes, motorcycle, etc. Perusal of the evidence of PW1 and PW2 reflects that, there is a compromise between the parties and therefore they had deposed in such a fashion. The prosecution has miserably failed to prove the guilt of the accused. There is absolutely no evidence on record against the accused. Ld. APP tried her best to bring the evidence on record against the accused, however it was in-vain. The FIR, spot panchanama, seizure panchanama, birth certificate of the victim relied by the prosecution are not proved. There is absolutely no evidence on record brought by the prosecution against the accused. Therefore this court answer point no.1 to 3 in the negative.

As to Point no.4 & 5 : -

11) In view of the aforesaid findings, this court finds that, no any offence is proved by the prosecution as against the accused, therefore the said point no.5 is answered accordingly. Accused is entitle for an order of acquittal in his favour. Hence the order :-

ORDER

1]	Accused Yogesh Ashok Mhaske is acquitted of the offence punishable under Section 376(2)(n)(3), 363 and 366 of the Indian Penal Code and under section 3 and 4 of The Protection of Children from Sexual Offences Act vide Section 235[1] of the Code of Criminal Procedure, 1973.
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2]	Bail bond stands canceled & Surety stands discharged.
3]	Muddemal as per Charge-sheet Serial No. 7 i.e. Hero Motorcycle No. MH16CT 8519 was already handed to its original owner as an interim custody. The interim custody is made absolute. Bond in that regard stands cancelled.
4]	Muddemal Articles i.e. A to F the clothes of accused and victim as per Charge-sheet Serial No. 1 to 6 i.e. P. R.No. No. 19/2024 be destroyed after one year from the date of this order.
5]	Accused to furnish fresh bail by executing P.B. of Rs.25,000/- with surety in the like amount under section 437-A of Criminal Procedure Code, 1973.
6]	In the above terms, Special Case stands disposed off.

Ahmednagar.
Date : 14/08/2026

(M. H. Shaikh)
Fast Track Special Judge (POCSO)
Ahmednagar

Dictated on :	14/08/2026
checked on :	14/08/2026
Signed on :	14/08/2026
Certificate I affirm that the contents of this P.D.F. file of Judgment/ order are same, word to word, as per the original. Name of the Stenographer (Grade-1) Shri Bairagi. S. M.	