

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST ACQUITTAL) NO. 1106 of 2026**

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STATE OF GUJARAT

Versus

HARSHALBHAI JITENDRABHAI VALVI

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Appearance:

MS ASMITA PATEL, APP for the Appellant(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

and

HONOURABLE MR. JUSTICE D. M. VYAS**Date : 08/05/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE D. M. VYAS)**

1. The captioned appeal is preferred by the State against the acquittal judgment dated 10.02.2026 passed in Special POCSO Case no. 05 of 2024. In the impugned judgment, the trial court has acquitted the accused for the offences punishable under sections 376(2)(j), 506(2) of the Indian Penal Code, 1860 and sections 3(a), 4, 5(j)(2), 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

2. We have heard Ms. Asmita Patel, learned Additional Public Prosecutor. She has referred to the material evidence and submitted that the prosecution has produced the copy of the DNA report and the present respondent-accused is the biological father of the child. It is further submitted that the prosecution has proved the fact that the victim is minor. Hence, considering the facts and circumstances of the subject

matter, the appeal requires consideration.

3. ADMIT. Bailable warrant for a sum of Rs.10,000/- be issued against the respondent.

4. Registry is directed to call for the records and proceedings together with the paper-book of POCSO (Special) Case No. 05 of 2024 from the Court of Special Judge (POCSO) and Additional Sessions Judge, Vyara, Tapi.

(SANGEETA K. VISHEN,J)

(D. M. VYAS, J)

SINDHU NAIR