

MHCC020082732021



Presented on : 30-06-2021
Registered on : 07-07-2021
Decided on : 31-03-2022 & 04/04/2022
Duration : 0Y, 9Mths, 4 Days.

Exhibit- 25

**IN THE COURT OF SPECIAL JUDGE UNDER THE PROTECTION OF
CHILDREN FROM SEXUAL OFFENCES ACT, 2012
AT GREATER MUMBAI
POCSO SPECIAL CASE NO. 749 OF 2021**

The State of Maharashtra]
(At the instance of Worli Police]
Station Mumbai, in C.R.No.266/2021]..Complainant.

Versus

Sachin Suresh Wadekar]
Aged: 37 years, Occ: Service,]
R/a. Swami Vivekanand Nagar,]
Room No.33-7/10, Ramabai]
Ambedkar Nagar, Dr. E. Moses Road,]
Worli, Mumbai-18.].. Accused.

**CORAM : BHARTI KALE
Special Judge, Under
POCSO Act,
(C.R.NO.18)**

DATED : 31/03/2022 & 04/04/2022.

SPP Mrs. S.S. Joshi for the State.
Adv. Vasant Prabhu (S.A.) for accused.

JUDGMENT

The accused stands charged for the offence punishable under section 376(2)(f)(i)(n) and 506 of the Indian Penal Code (IPC in short) under section 5(l)(n) and punishable under section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act in short) in Crime No. 266 of 2021 of Worli Police Station.

2. The prosecution case in brief is that the victim was 13 years old at the time of incident and she is daughter of the accused. The victim was residing with her grand parents, accused, uncle and two siblings. The mother of the accused had left the accused prior to 7 years due to family dispute. The grandmother of the victim i.e. the complainant was taking their care. The victim was studying in 7th Standard. The victim missed her periods and therefore on 04/05/2021 the complainant inquired with her. At that time the victim informed that the accused was forcibly committing sexual intercourse with her since last one year. She has also informed that the accused committed sexual intercourse with her prior to 4 to 5 days and also tried to commit sexual intercourse prior to one day of lodging of report. The victim has stated that the accused has threatened to beat her and therefore she did not disclose the incident. The complainant then went to the police station and lodged report against the accused. On the basis of her report offence was registered. The accused was arrested. Spot panchanama was prepared and one bed sheet, half pant of the accused, one ladies top and shorts were seized as per the panchanama. Accused and victim were referred for medical examination. Statements of witnesses were recorded. The clothes and samples were forwarded to FSL. Victim's birth certificate was collected. She was also referred for recording her statement under section 164 of

Cr.PC. to the Metropolitan Magistrate's Court. After completion of Investigation chargesheet was filed.

3. Charge was framed against the accused vide Exhibit-2 on 09/09/2021 and the same was read over and explained to the accused in vernacular. The accused pleaded not guilty and claimed to be tried. The defence of the accused as can be gathered from the suggestions given to the witnesses and answers given while recording statement under section 313 of Cr.PC. is of total denial. It is suggested by the accused that the victim was talking with boys for which he scolded her and therefore he has been falsely implicated.

4. In the light of prosecution case, evidence on record and having heard both the sides, following points arise for my determination and I have recorded my decisions thereon in following manner, for the reasons discussed below.

	<u>POINTS</u>	<u>DECISIONS</u>
1.	Does the prosecution proved that on 03/05/2021 and before that in the house at Swami Vivekanand Nagar, Room No.33-7/10, Worli, Mumbai, the accused being relative repeatedly committed rape upon the victim girl aged 13 years, who is his daughter and thereby committed an offence punishable under section 376(2)(f) (i)(n) of the I.P.C. ?	: Affirmative.
2.	Does the prosecution further proved that on on the aforesaid period, date time and place the accused threatened the victim girl aged 13 years, who is his daughter and thereby	: Affirmative.

	committed an offence punishable under section 506 of the I.P.C. ?	
3.	Does the prosecution further proved that on the aforesaid period, date, time and place the accused committed repeated penetrative sexual assault upon the victim girl aged 13 years, who is his daughter and thereby committed an offence under section 5(l)(n) and punishable under section 6 of the POCSO Act ?	: Affirmative.
4.	What order ?	As per final order, the accused is convicted.

REASONS

5. In order to prove the guilt of the accused the prosecution has examined in all six witnesses in support of its case viz:

- 1) PW.1 complainant at Exh.10,
- 2) PW.2 Victim at Exh.13,
- 3) PW.3 Vasudev Malkappa Naidu at Exh.15,
- 4) PW.4 PSI Swapnil Shantaram Khonde at Exh. 17,
- 5) PW.5 WPSI Reshma Namdeo Patil at Exh.19,
- 6) PW.6 Dr. Saurabh Chandrakant Shankhlecha at Exh.21.

6. The prosecution placed on record following documents in support of it's case i.e. statement of the victim under section 164 of Cr.PC at Exh.5, statement of the complainant under section 164 of Cr.PC at Exh.6, date of birth certificate of the victim at Exh.11, Report at Exh,12, FIR format at Exh.12/A, spot panchnama at Exh. 16, arrest form at

Exh.18, arrest panchnama at Exh.18/A and medical examination report of the victim at Exh.22.

7. The accused neither examined himself on oath nor examined any defence witness in support of his case.

8. Heard the learned Advocates for the accused and learned SPP for the State.

Point Nos. 1, 2, 3 and 4:

9. As all the points are correlated, they are discussed together to avoid repetition.

10. The learned SPP submitted that the victim has categorically deposed about the incident and she is credible witness. There was no reason for her to depose against her own father. Even though the room was very small the incident can happen. Due to the threats and fear the victim was unable to disclose about the incident. There is no evidence to show that the victim was tutored. The victim was brought from Children Home and hence there cannot be any tutoring. The FSL Reports do not reflect that the incident has occurred as samples and clothes were collected after some days of the incident. The SPP has therefore submitted that the prosecution has duly proved the guilt of the accused and hence he is liable to be convicted.

11. The advocate for the accused submitted that the victim used to wander and that she was stopped by the accused from playing and talking with the boys and therefore there were frequent quarrels between

her and the accused. Hence the accused has been falsely implicated. Further, the incident as narrated by the victim is highly improbable as about 7 to 8 persons were staying in 10' x 10' room. The victim was going out frequently and when she was stopped, false report came to be lodged. He has further submitted that the accused was taking proper care of his children and did not perform second marriage. He was taking keen interest in studies of the victim and hence such nature of acts being committed by him is highly improbable. Further there is no corroboration to the evidence of the victim from the independent witnesses. The FSL report also does not support the case of the prosecution. Therefore he has submitted that the accused is entitled for acquittal.

12. PW.1 complainant has deposed that the victim is daughter of the accused and she was 13 years old at the time of incident. She has stated date of birth of the victim as 12/09/2007 and produced her birth certificate at Exh.11. The accused is father of the victim and has not disputed her age. The incident has occurred during the year 2020 and the victim was 13 years old at that time. Hence, the prosecution has duly proved that the victim was child as defined under section 2(d) of the POCSO Act at the time of incident.

13. It is undisputed fact that the victim was residing with the accused, her grand parents, uncle and two siblings. It is further undisputed fact that the wife of the accused had left him prior to 7 years.

14. PW.1 complainant has deposed that in May 2021, the victim missed her periods and therefore she asked her the reason for the same and at that time victim informed her that accused was committing

sexual intercourse with the victim since about one year and was threatening to kill her if she disclosed about the same to anyone. Then, she went to the police station and lodged report vide Exh.12. She was cross-examined at length by the Advocate for the accused. It has come in her cross-examination that the victim used to get irritated easily and she was staying out for maximum time. She has also stated that she was asking the victim not to play with the boys and therefore the victim was having fear. She has further deposed that she was not aware with whom the victim was meeting in her absence as she was returning from work at 8.00 p.m. She has also stated that she was talking with the friends of the victim. She has denied that the victim was having male friends. She has also stated that the accused disliked if the victim talked with male friends but she has denied that as the victim was talking with boys, therefore there were quarrels between the accused and the victim. She has stated that the victim was not listening to all the things said by the accused and therefore there were quarrels between them. She has volunteered and stated that the accused was not allowing the victim to meet her friends and was asking her to stay at home and therefore there were quarrels. She has stated that their finances were dependent on her and the accused. She has further stated that she was sleeping on the cot and grand children were sleeping on the floor and that the accused usually slept at the loft, but was coming down when it was hot. She has also stated that the accused used to beat the victim as father does, if she committed any wrong acts. She has stated that there were disputes between her and the accused for money, but she has volunteered that as the accused was drinking liquor and spending all the money for the same, therefore there were quarrels. She has denied that the accused was staying out of the house frequently and she volunteered to state that it

was her other son who was staying outside for most of the time. She has deposed that till May 2020 the relations between the accused and the victim were normal and they were talking with each other. She has stated that she was getting up if there was noise in the house and that she was sleeping for about 3 to 4 hours in the night. She has denied that the victim was in love relationship with someone. She has denied that as the accused was not paying her money and was consuming liquor, therefore she lodged false report.

15. PW.2 victim deposed that her mother left the accused as he used to consume liquor and was frequently quarrelling. About the incident she has deposed that in the night she used to sleep with her sister and brother and the accused was sleeping next to her. He was then removing her knicker. She further deposed that when she was about to tell her grandmother, the accused threatened her. He had committed sexual intercourse with her on four occasion and also on 03/05/2021. She also stated that when her grandmother enquired as to why she was keeping quite, she narrated the acts committed by the accused. In her cross-examination she has stated that the accused was providing for all their needs and that he had not performed second marriage. She also deposed that she was having only female friends and her grandmother was very strict. She has denied that she was talking with the boys and she has stated that she was not having a single male friend. She has stated that their house was very small but there was sufficient space for everyone in the house. She has also stated that the accused used to talk with her and was enquiring about her studies. She has also stated that the accused was asking her to study and not to play much. She has stated that in the night, one zero watt bulb used to be on in the room and her

grandmother was getting up sometimes in the night around 2.00 a.m. or 5.00 a.m. She also stated that she used to sleep in the last corner and she has denied that no one could sleep near her. She has categorically stated that her father was sleeping at home when he was returning home after drinking.

16. P.W.6 Dr. Saurabh Chandrakant Shankhlecha has deposed that the victim gave history that accused committed sexual intercourse with her on multiple times after forcibly undressing her. He has deposed that there were hymeneal tears and opinion was given that vaginal penetration cannot be ruled out due to hymeneal tear. He has duly proved the medical certificate at Exh.22. In his cross-examination he has denied that the tears were possible due to cycling and swimming as the tear of the victim was of 6'0' clock position and was big. He has stated that he read the FIR before examination of the victim.

17. P.W.3 Vasudeo Malkappa Naidu has deposed that the spot panchanama was prepared in his presence and one top, half pant and one top was seized vide panchanama at Exh.16. He has denied that he has not acted as panch witness.

18. P.W.4 PSI Swapnil Khonde has deposed that he has taken report in presence of WPSI Reshma Patil vide Exh.12. He has denied that the report was written on his own. He has stated that the victim's statement was not recorded on the same day as her medical examination was to be carried out first. He has also stated that earlier no N.C. or report was lodged against the accused by the complainant.

19. P.W.5 WPSI Reshma Namdeo Patil has deposed that she

recorded the statement of complainant, victim and victim's sister as per their say. She has stated that the victim narrated the incident properly and therefore it was not recorded in question and answer form. Further the sister of the victim was very young therefore her statement was recorded in question and answer form.

20. The accused in his statement recorded under section 313 of Cr.P.C. has denied the incident. He has not stated as to why he has been falsely implicated.

21. On perusal of the evidence brought on record by the prosecution it can be seen that the victim was residing with her father, grand parents, accused and her uncle. The spot of incident is the room where they were residing. If the spot panchanama at Exh.16 is perused then the room was 10' x 10' and there was an iron staircase inside. There was kitchen platform in one corner and one cot was kept and there was small bathroom inside the room. The Advocate for the accused has vehemently submitted that such nature of acts are highly improbable inside such a small room when about 5 to 6 persons were sleeping. Now, the complainant's husband was working as a Security Guard. The complainant has also stated that her other son was frequently remaining out of the house. The complainant was 60 years old lady and she was working from morning till 8.00 p.m. The other children of the accused were very young. The victim has categorically deposed that the accused was sleeping besides her and that she was sleeping in the corner. She has also stated that the accused was sleeping near her and was removing her knicker and committing penetrative sexual intercourse and when she was trying to inform her grandmother, he was threatening her. There cannot

be dispute about the fact that room was very small and about 5 persons used to sleep in the room. One zero watt bulb also used to be on in the room. The victim has categorically stated that the accused was not allowing her to inform about the incident to anyone. Such acts are performed in secrecy. Further considering the nature of relationship that the accused was victim's father, he can exercise his authority over her. The victim has stated in cross-examination that her grandmother was getting up at 2.00 a.m. or 5.00 a.m. Further the complainant has also stated that she was sleeping for 3 to 4 hours in the night. The Advocate for the accused has submitted that in such circumstances it is highly improbable that no-one witnessed the acts committed by the accused. Now, PW.1 complainant has stated that her other grand daughter has seen the accused sleeping upon the victim. The victim has also stated that her sister had seen the accused performing said acts. Now the victim's sister was very young and therefore she may not be able to state about the incident. Further the accused had taken due care and caution to see that when the complainant was fast asleep after day long work, he did such acts. Therefore, only because the room was very small it cannot be said that such nature of acts were not possible.

22. The victim has categorically deposed about the acts of sexual intercourse committed upon her. Her evidence is duly supported by the medical evidence as PW.6 Dr. Saurabh Shankhlecha has categorically deposed that the hymeneal tears on the vagina of the victim were due to vaginal penetration and were not possible due to swimming or cycling. The victim has categorically stated that such acts were performed by the accused on 3 to 4 occasions. The victim's evidence is also corroborated by the complainant, who is mother of the accused and in whom the

victim has confided. The conduct of the victim in confiding in her grand mother is natural conduct.

23. The Advocate for the accused has submitted that the houses in the area where the victim was residing are closely located and no independent witnesses are examined. Now, the acts were performed by the accused in the night when everyone was sleeping and he did not allow the victim to raise shouts. Therefore, there cannot be any independent witness to such incident.

24. The complainant is mother of the accused and it has been suggested to her that due to monetary quarrels she had falsely implicated him. Now since prior to 7 years of the incident the accused is residing with his children with the complainant and she was taking their care. The accused is son of the complainant and it is not probable that complainant will lodge false report against her own son when responsibility of his three children will fall upon her in his absence. The complainant has admitted in her cross-examination that there were quarrels between her and the accused, but she clarified that the quarrel were for the reason that he was drinking liquor and spending all money for the same. It is natural conduct that the complainant disliked the drinking habit and spending all money on the same by the accused without caring for children. In fact due to said behaviour of the accused, his wife left him. In the circumstances, I find that contention of the Advocate for the accused is devoid of merits.

25. The victim has categorically deposed that the accused had committed sexual assault upon her. She has denied that she was meeting

boys. May be she was staying for maximum time out of the house, but that is natural conduct of the children that they want to play. Therefore may be for the same she may be scolded by the accused as a father but that cannot be a reason for the victim to falsely implicate the accused, her own father. There is no iota of evidence on record to show that the victim was having male friends and that she was going out with him. In fact it has come on record that she was not having male friends.

26. It has come in the cross-examination of PW.1 complainant that the victim was regularly talking with the accused and he was inquiring about her studies. The Advocate for the accused has submitted that if the accused had performed alleged acts then the victim would not have behaved normally and talked with the accused. No doubt the acts committed by the accused are heinous and the same is bound to create hatred and fear in the mind of the victim. But the victim was staying with the accused and she had no other place to go. Her mother had already left them. In the circumstances, she may have behaved normally with the accused but that will not go to show that he has not committed any acts as alleged.

27. The evidence of the victim is consistent with her statement recorded under section 161 of Cr.P.C. and 164 of Cr.P.C. She has categorically stated that the accused had undressed her and committed penetrative sexual assault upon her. The medical evidence also supports the case of the prosecution and the victim has also given history of same nature to the Doctor. There was no reason for the victim and the complainant to depose falsely against the accused. The prosecution has therefore proved the foundational facts and the burden shifted upon the

accused under section 29 of the POCSO Act to show that he has been falsely implicated by bringing probable evidence on record.

28. The accused himself has not entered into the witness box nor he has given any reason as to why his own daughter and mother were deposing against him. The victim has categorically deposed that she was not in relationship with any male person. Therefore, the defence of the accused that he has been falsely implicated due to affair of the victim is not proved through probable evidence on record. The defence of the accused has been totally denied by the prosecution witnesses and the accused himself has not brought any material on record to substantiate the same. There is absolutely no material on record to show that the defence of the accused is probable. Therefore the accused has failed to discharge the burden casted upon him.

29. The victim was 13 years old at the time of incident and she was a school going child. The incident has occurred when she was sleeping in 10' x 10' room alongwith her grandmother, siblings and the accused. In the night, the accused had committed penetrative sexual assault upon her. If the victim had raised shouts then such heinous acts would have been averted. Failure of the victim to raise shouts definitely does not in any way create doubt in her evidence as the person in authority and on whom the victim's life was dependent, had performed such acts. The victim's failure to raise shouts is mainly for the reason that there is fear in the mind of children that if a close relative commits such nature of acts then what will happen to their life if they resist as the uncertainty of future loom large in their mind. Such kind of fear is real when the children are not protected in their own house and they are

afraid of the world outside. In the present case, the victim's mother had left her and her other siblings. So her situation was more vulnerable. This fear of children is not addressed as they do not know that how they will be protected and cared for as they are not aware that they will get a shelter and an opportunity to lead a normal life. They have no access and knowledge that they need not be frightened and they will be taken care of. The POCSO Act is enacted for the 'Protection' of children. In such nature of cases, Section-43 becomes very important provision of the Act which provides for spreading awareness about the POCSO Act through media including T.V. and also print media. Section-44 of the Act is also very important as it provides that National Commissions for Protection of Child Rights and the State Commission for Protection of Child Rights are required to monitor implementation of the provisions of the Act. In many cases it can be seen that the the children are made aware about the bad touch and good touch through various awareness programmes held mainly on initiative of Police Department through 'Police Didi' Programmes. Many children have opened up in such programmes and crimes are detected. But still there is hesitance and fear and that may be because of uncertainty of future as children are not aware that if they speak up, they will be protected.

30. In exercise of powers conferred by Section-45 of the POCSO Act, rules are framed by the Central Government with effect from 09/03/2020. Rule-3 sub rule-2 provides that:

3) Awareness generation and capacity building – (1) The Central Government, or as the case may be, the State Government shall prepare age-appropriate educational material and curriculum for children, informing them about various aspects of personal safety, including-

(2) Suitable material and information may be disseminated by the respective Governments in all public places such as panchayatbhavans, community centres, schools and colleges, bus terminals, railway stations, places of congregation, airports, taxi stands, cinema halls and such other prominent places and also be disseminated in suitable form in virtual spaces such as internet and social media.

(3) The Central Government and every State Government shall take all suitable measures to spread awareness about possible risks and vulnerabilities, signs of abuse, information about rights of children under the Act along with access to support and services available for children.

4) Any institution housing children or coming in regular contact with children including schools, creches, sports academies or any other facility for children must ensure a police verification and background check on periodic basis, of every staff, teaching or non-teaching, regular or contractual, or any other person being an employee of such Institution coming in contact with the child. Such Institution shall also ensure that periodic training is organised for sensitising them on child safety and protection.

(5) The respective Governments shall formulate a child protection policy based on the principle of zero-tolerance to violence against children, which shall be adopted by all institutions, organizations, or any other agency working with, or coming in contact with children.

(6) The Central Government and every State Government shall provide periodic trainings including orientation programmes, sensitization workshops and refresher courses to all persons, whether regular or contractual, coming in contact with the children, to sensitize them about child safety and protection and educate them regarding their responsibility under the Act. Orientation programme and intensive

courses may also be organized for police personnel and forensic experts for building their capacities in their respective roles on a regular basis.

31. Further Rule-4 inter-alia provides about procedure regarding care and protection of child. Sub rule(4) and (5) of Rule-4 provides that:

(4) Where the SJPU or the local police receives information under sub section (1) of Section 19 of the Act, and has a reasonable apprehension that the offence has been committed or attempted or is likely to be committed by a person living in the same or shared household with the child, or the child is living in a child care institution and is without parental support or the child is found to be without any home and parental support, the concerned SJPU, or the local police shall produce the child before the concerned Child Welfare Committee(hereinafter referred to as “CWC”) within 24 hours of receipt of such report, together with reasons in writing as to whether the child is in need of care and protection under sub-section (5) of Section 19 of the Act, and with a request for a detailed assessment by the CWC.

(5) Upon receipt of a report under sub-rule (3), the concerned CWC must proceed, in accordance with its powers under sub-section(1) of section 31 of the Juvenile Justice Act, 2015 (2 of 2016), to make a determination within three days, either on its own or with the assistance of a social worker, as to whether the child needs to be taken out of the custody of child’s family or shared household and placed in a children’s home or a shelter home.”

32. There are rules about spreading awareness and also if the child needs to be taken away from the family and to place him in Children’s Home or a Shelter Home. The Act and the rules are in place

for protection of children and the need is about spreading more awareness about the same. The cases are detected and the offenders are being punished. As per the POCSO Act, punishing the offenders and appropriate steps for protection of children are equally important. But may be more thrust is on punishing than protection. The rules provides for creating awareness at every nook and corner, through media and in education material. As in the present case the victim girl kept quite for long time and suffered eventhough she was school going child. She had access only to her grandmother. The court finds that the victim was not aware of the need to speak up and also whom to approach when such nature of acts were committed with her. It does not appear that she had knowledge that she can be cared for and protected if she raised the voice.

33. In the present case the evidence on record establishes that the accused has committed repeated penetrative sexual assault upon the victim. It is also proved that he has threatened the victim for not disclosing about the incident to anyone. Therefore I answer Point Nos. 1, 2 and 3 in the affirmative.

34. As, I held the accused is guilty for the offence punishable under section 376 (2)(f)(i)(n) and 506 of the IPC and under section 6 of the POCSO Act, I stop the judgment to hear the accused, his Advocate and learned SPP for State, on the question of sentence.

Date: 31/03/2022

(BHARTI KALE)
Special Judge under P.O.C.S.O Act,
Gr. Mumbai.

Judgment continued....

Date: 04/04/2022

Same appearance.

35. Heard accused, learned Advocate for the accused and learned SPP for the State.

36. The learned Advocate for the accused submitted that he has no criminal antecedents. He is having three children and he has to look after them. The grandmother of the children is very old and she may not be able to take their care. Further, the accused may have committed offence under the influence of liquor and he has learned a lesson. Therefore he has submitted that minimum sentence be imposed upon the accused.

37. The learned SPP has submitted that the accused has committed very heinous act upon his own daughter aged 13 years old. Therefore, no leniency can be shown to the accused and maximum sentence be imposed upon him.

38. The submission of the accused that he has to look after his children cannot be a ground for leniency as he has committed penetrative sexual assault upon his own daughter. No doubt the children's future is at stake as they are dependent on their grandmother and their mother has already left them but accused cannot invoke the said ground for leniency. The victim's grandmother need to be commended for seeking justice eventhough she will be required to look after children of the

accused at such old age. The victim was subjected to penetrative sexual assault by her own father when she was only 13 years old. A father lays a foundation of security, trust and love. A father makes his daughter's life safe and protect her from getting hurt. But victim's father himself has caused immeasurable pain to her. The childhood trauma is bound to affect the victim. The court is confident that she will cope up with the same with the help and guidance from various agencies established under the POCSO Act. The accused does not deserve much leniency as offence committed by him is heinous which affects the fabric of life. The accused could not engage Advocate and he was given legal aid Advocate. I do not find that he has financial capacity to compensate the victim for the physical and mental injuries she suffered. Therefore, the victim need to be compensated as per the Victim's Compensation Scheme. In view of my aforesaid discussion, I find that the following sentence will meet the ends of the justice. To conclude the trial, I proceed to pass the following order.

ORDER

1) Accused Sachin Suresh Wadekar is convicted vide Section 235(2) of the Code of Criminal Procedure in C.R.No. 266 of 2021 of Worli Police Station, for the offence under section 5(l) (n) and punishable under section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for 25 (twenty five) years and to pay a fine of Rs.20,000/- (Rupees Twenty Thousand Only). In default of payment of fine, he shall undergo rigorous imprisonment for 6 (six) months.

- 2) Accused Sachin Suresh Wadekar is also convicted under section 506 of the Indian Penal Code, and sentenced to suffer rigorous imprisonment for 1 (one) year.
- 3) Accused Sachin Suresh Wadekar is also convicted under section 376(2)(f)(i)(n) of the Indian Penal Code, but sentence is given under section 6 of the Protection of Children from Sexual Offences Act, 2012 as provided under section 42 of the POCSO Act.
- 4) Both the sentences shall run concurrently.
- 5) Marked and Unmarked muddemal articles if any, being worthless, be destroyed after appeal period is over.
- 6) The accused is in jail from 04/05/2021 till today, hence set off be given to him for the period of detention undergone by him during investigation and trial, as per section 428 of the Code of Criminal Procedure.
- 7) Out of the fine, an amount of Rs.15,000/- (Rupees Fifteen Thousand only), be given to the victim, as compensation, after appeal period is over.
- 8) The accused is informed that he has right to appeal.
- 9) Copy of the Judgment be given to the accused, free of cost.

- 10) The Court recommends payment of compensation to the victim.
- 11) The copy of judgment be forwarded to the Mumbai District Board for Criminal Injuries Relief and Rehabilitation.

Date: 04/04/2022

(BHARTI KALE)
Special Judge under P.O.C.S.O Act,
Gr. Mumbai.

Dictated on : 04/04/2022
Transcribed on : 31/03/2021 & 04/04/2022
Signed on : 31/03/2022 & 04/04/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER

04/04/2022 at 5.08 p.m

UPLOADED DATE AND TIME

(DASTAGIR B. MULLA)

NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.	H.H.J. BHARTI KALE (Court Room No.18)
Date of Pronouncement of Judgment/Order	31/03/2022 & 04/04/2022
Judgment/Order signed by PO.on	04/04/2022
Judgment/Order uploaded on	04/04/2022