



CNR No. 010001122026

Presented on :13.01.2026

Registered on:13.01.2026

Decided on : 20.04.2026

Duration: Years Months Days

- 3 7

Part'A'

	<p>IN THE COURT OF FAST TRACK SPECIAL COURT (POCSO) PANAJI-GOA</p> <p>Present : PRESIDING OFFICER: Dr. Pooja C. Kavlekar</p>
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	[Date of the Judgment] 20.04.2026 [Sessions Case (ORS) No. 4/2026]	
	(FIR No.36/2025 and Valpoi police Station	
COMPLAINANT		STATE
REPRESENTED BY		P.P. Mrs. S. Nagvenkar
ACCUSED		Shri Deepak Kumar Nishad, Age 19 years, s/o Rajdev Nishad, r/o Gram-Sauraha, Sigghora, Post-Razapur Saraiya, Budha Kalan, Sant Kabir Nagar, Uttar Pradesh-272175
REPRESENTED BY		Advocate Shri O Kulkarni

Part 'B'

[Para 44 (ii) of Chapter VI of Criminal Manual]

Date of offence	19.06.2025
Date of FIR	21.06.2025
Date of chargesheet	13.01.2026

Date of Framing Charges	15.01.2020
Date of Commencement of Evidence	18.02.2026
Date on which judgment is reserved	-nil
Date of the Judgment	20.04.2026
Date of the sentencing Order, if any	-nil

Accused details

Rank of the Accused	Name of 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.
Accused	Mr. Deepak Kumar Nishad	18.02.2025	Judicial custody	U/s 64 BNS, 4 POCSO Act	Acquitted by giving benefit of doubt	nil	18.02.2025 till date

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	Pxxx Nxxx	Victim
PW2	Rxxx Bxxx	Complainant
PW3	Samisha Naik	Investigating Officer.

B. Defence Witnesses, if any: NIL

1. Court Witnesses, if any: NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
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1	PW1/C/9 P1/PW1	Deposition of PW1 Refusal of consent for medical examination for sexual offence.
2.	PW2/C/10 P2/PW2 P3/PW2 P4/PW1	Deposition of PW2. Complaint Birth certificate 183 statement of the victim.
3.	PW3/C/12 P5/PW3 P6/PW3 P7/PW3 P8/PW3 P9/PW3 P10/PW3 P11/PW3 P12/PW3 P13/PW/3 P14/PW3 P15/PW3	Deposition of PW3 Letter dt.25.06.2025 Letter dt. 25.06.2025 by Honda Higher Secondary School u/s 330 of BNSS Letter dt. 19.07.2025 by Post Master Valpoi u/s 330 of BNSS Letter dt. 05.08.2025 at Amraiwadi p.s. Letter dt.05.08.2025 to Sola High Court p.s. Letter dt. 12.12.2025 to CJM Sant Kabir Nagar. Letter dt. 15.12.2025 addressed to CMO GMC. Letter dt. 11.12.2025 addressed to JMFC Sattari Letter dt. 11.12.2025 addressed to JMFC Sattari Letter dt. 15.12.2025 addressed to GFSL Verna Letter dt. 15.12.2025 addressed to Forensic

		Medicine, GMC
	P16/PW3	Medical report of the accused u/s 330 BNSS
	P17/PW3	Scene of offence panchanama u/s 330 of BNSS
	P18/PW3	Letter dt. 18.12.2025 addressed to JMFC Sattari

B. Defence : NIL

D. Material Objects : NIL

JUDGMENT

(Delivered on this 20th day of the month of April of the year 2026)

The accused is facing trial under sections 64 BNS and Section 4 of POCSO Act. The case of the prosecution is that on 21.06.2025 at 15.55 hrs. the complainant lodged his complaint to the effect that on 19.06.2025 at around 15:30 hrs. at Honda bus stand daughter of the complainant was practicing hockey after her college, at that time accused kidnapped the complainants daughter.

2. The victim and the accused were apprehended at Khalilabad and her statement revealed that the accused had sexual intercourse with the

minor victim. Thus the accused committed an offence punishable under section 137(2), 64 BNS and Section 4 of POCSO Act. Accused was discharged under section 137 of BNS.

3. Upon filing of the chargesheet, Accused who was in custody was summoned before the Court. Charge explained to the Accused, the Accused pleaded not guilty and claimed to be tried. The prosecution examined three witnesses as above and closed its case.

4. The statement of the accused under section 313 of Cr.P.C. was recorded. Accused denied the case of the prosecution as false and did not examine any witnesses in his defence.

5. Ld. P.P. Mrs. S. Nagvenkar argued for the prosecution. Ld. Advocate Shri O Kulkarni argued for the accused. I have heard arguments for and against and perused the material on record.

6. The points that arise for my determination and its findings and the reasons thereof are as under:-

SR. NO.	POINTS FOR DETERMINATION	FINDING
1.	Whether the prosecution proves that between 19.06.2025 to 10.12.2025 the accused had	Negative

	sexual intercourse with the victim who was under 18 years of age at various places from Goa to Khalilabad and thus committed offence punishable under section 64 of BNS?	
2.	On the aforesaid date, time and place the accused had forcible sexual intercourse with victim who was less than 18 years at the relevant time and thus committed penetrative sexual assault upon her and thereby committed an offence punishable under section 4 of POCSO Act?	Negative

REASONS

POINT No. 1 and 2

7. The Victim has been examined as PW1. She has stated that on 09.06.2025 she had gone to the hockey ground for practice. The accused also came there, as she had called him there. From the ground they went to Sattari and from Sattari they went to Thivim and from Thivim they went to Mapusa. From Mapusa they went to Panjim and from Panjim they left to Ahmedabad in a bus. They stayed in Ahmedabad for 3 months. Her parents had called her during the night of 19.06.2025 and she had told them

that she will not be coming back home. Thereafter they went to Nepal. While she was at Nepal her brother had called her on several occasions but she never answered his calls. Whenever her brother would call Deepak from unknown number on Instagram, Deepak would answer his calls. The victim has stated that she had gone on her own with the accused and they got married in Ahmedabad in Hanuman mandir. She has further stated that she had falsely stated before the Magistrate that she had sexual relations with the accused when in fact she had no such sexual relations. She told this because in her village if something like this was told then the parents get the couple married. Since her parents had promised to get her married to the accused she made this statement. She has refused medical examination.

8. PW2 is the father of the victim. He has stated that the victim is his daughter. That on 19.06.2025 at around 7.10 a.m. his daughter i.e a victim left for school at Honda Higher Secondary School. At 7.30 a.m. he left for his work at Panaji. At 8.30p.m. when he returned to his home his wife informed him that the victim has not returned home from school. He inquired with her friends and school teacher and was informed that victim had attended her college and then she had gone for hockey practice. PW2

has further stated that he came to know from her friend that at around 3.30p.m. she went with a boy from the hockey ground to Honda bus stand. Upon verifying the phone number of his wife which was being used at that time by the victim, they found that calls were made on the phone of his wife by one number and that the said number was confirmed to be of the accused. The photograph of the was shown to his daughter's friend who confirmed that she went with the accused on 19.06.2025.

9. Next witness is the Investigating Officer. In her evidence the Investigating Officer/PW3 LPSI Samisha Naik has stated that that she was attached to Valpoi P.S. as PSI. She has investigated the present case. On 21.06.2025 she registered the complaint of Mr. Y (name corresponds to Cw1) under Cr. No.36/25 u/s 137(2) BNS, Section 8 of Goa Children's Act. The complainant had furnished the birth certificate of the victim girl along with the complaint. That during the course of her further investigation, she made a letter dated 24.06.2025 to the legal team of whatsapp LLC California U.S. with a request to furnish the IP logs and GPS location of the accused who was named in the complaint by the complainant. Further, she made a letter to the Principal of Honda Higher Secondary to furnish attendance role pertaining to the victim in the present case. That on 26.06.2025 she recorded

the statement of CW7, the friend of the victim. On 19.07.2025 she recorded

the statement of the mother of the victim. Both the statements were recorded as per their say. Vide letter dated 19.07.2025 she received a reply from post office Valpoi furnishing the account and transaction details of the accused. Based on the transaction details received from the post office she came to a conclusion that the accused was using the account. Further, she made a letter dated 5.08.2025 to the police inspector Amaraiwadi P.S. Ahmadabad Gujarat for police assistance to be provided at Ahmadabad Gujarat in order to trace the accused. Team was constituted and sent to Gujarat alongwith her. Accused was not found at Gujarat within the jurisdiction of Amaraiwadi P.S. They later proceeded to Sola High Court P.S. and she made a letter dated 5.8.2025 to the Police Inspector there to provide police assistance for tracing the accused. Accused could not be traced within the jurisdiction of the said police station. During the course of her investigation, she found the phone numbers which were used by the accused. She secured the IMEI number of the phone numbers used by the accused through Call Monitoring Centre, North. The IMEI numbers were secured from the telephone companies by CMC, North. She did not get any clues as to the whereabouts of the accused through their telephone numbers which were put for tracking after securing the IMEI numbers from the telephone company. On 10.12.2025 she received information from Kotwali Khalilabad P.S. U.P. That the victim in the present

case appeared at the police station on her own and she informed at the police station that she is with the accused and that she has received information that case is registered at Valpoi police station in Goa against the accused and accordingly she arrived at the police station to inform the said fact to the police. Thereafter, she proceeded to Kotwali P.S. at Kotwali police station. She has recorded statement of victim at Khalilabad St. Kabir Nagar dated 11/12/2026 as per say of the victim in the presence of Vaishnavi Yadav, Staff Nurse. She conducted panchanama at Baghaiya Khalilabad, Sant Kabir Nagar Uttar Pradesh on 12/12/2025 wherein the victim showed the rented room where the accused had kept the victim.

10. Nothing adverse is come in her cross. The victim has stated that she voluntarily went with the accused. She has stated that she had falsely stated before the police that accused had sexual intercourse with her. She has given an explanation as to why she made this statement stating that in her village if this is said the elders get the couple married. Although she has stated that she voluntarily went with the accused. She has nowhere stated that the accused has sex with her. There is no material to convict the accused for the offence of kidnapping, sexual assault or rape. The victim has stated that she had falsely stated before the Magistrate that

she had sexual intercourse with the accused, I find nothing incriminating to convict the accused.

11. Accused will be entitled for an acquittal. Hence point nos. 1 and 2 are answered in the negative. Hence I pass the following:

ORDER

The accused is acquitted of the offences punishable under Sections 64 of BNS and under section 4 of POCSO Act.

His Bail bonds stand canceled and the surety stands discharged after the appeal period is over. Accused to comply with Section 437-A of Cr.P.C. and execute a bond of Rs.15,000/- and one surety of like amount to appear before the Appellate Court as and when such Court issues notice in respect of any appeal against the judgment of this Court, and shall remain in force for six months.

Proceedings closed.

Pronounced in the Open Court.

(Ms. Pooja C. Kavlekar)
Presiding Officer, Fast Track Special
Court (POCSO) Panaji.

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