SPL. POCSO No. 22/17.

State. :::: ;;;;;; Complainant.

-Vs-

Gautom Ree. S/O Baikanta Ree.. Vill. Alipur Bagan. P.S. Lakhipur.

::::: Accused.

U/s 366 IPC & U/s 4 of POCSO Act.

ORDER Dated 17-07-17.

Accused is present.

Heard both sides on the matter of consideration of charge. Perused the materials on record. Prima facie case is made out U/S 366 IPC and 4 of POCSO Act. Accordingly formal charges are framed, read over and explained to which accused pleaded not guilty. It is submitted by the learned P.P. that both the complainant and the victim are present and they may be examined today. Satisfied. Both the complainant and the victim are examined, cross-examination is declined. Learned P.P. vide petition No. 182(A)/2 has prayed for closure of the prosecution evidence on the ground that both the victim and the accused got married and out of their wedlock the victim gave birth of a child and recording of further evidence would be futile. Sufficient force is found in the submission. Hence, evidence is closed. I would like to dispose of the case under provision of Sec 232 Cr.P.C.

Accused is examined. Heard argument of both sides.

In the instance case charges are framed U/s 366 IPC and U/S 4 of POCSO Act with the accusation that on 01-12-16 the accused kidnapped the victim and thereafter committed penetrative

sexual assault with the victim. The charges when read out and explained, the accused has pleaded not guilty.

To prove the case prosecution side has examined two witnesses. P.W.1 is the complainant, the father of the victim. According to him, at the material time finding the victim missing lodged the FIR. Subsequently the victim was recovered from the house of the accused. It was reported by the victim both of them got married .Subsequently he gave marriage with the accused and out of that wedlock the victim gave birth of a male child. He has further deposed that at the material time the victim was a major.

P.W.2 is the victim. She has also deposed that she at her own went with the accused out of love affairs and got married at Kamakhya temple at Guwahati. Out of their relation she gave birth of a son and presently residing with the accused as his wife. At the material time she was major.

The above being the non implicating nature of evidence and age of the victim according to the material witnesses was above 18 at the material time. This Court is not hesitating to hold that prosecution case is not proved against the accused. Accused is thus being held not guilty of the offence as charged or whatsoever is acquitted and set at liberty forthwith.

Bail bond stands discharged.

This order of acquittal is pronounced and delivered in the open Court under my seal & signature of this Court on this 17th day of July, 2017.

Special Judge. Cachar, Silchar.