#### IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE : : : JORHAT.

PRESENT: Smt. Rani Boro, A.J.S.,

Chief Judicial Magistrate,

Jorhat.

For the Prosecution .... Binan Ch. Bora, A.P.P.

For the accused person .... Ashok Ranjan Bora, Anup Senapati,

Advocates.

### Ref.: G.R. Case No. 1667 of 2012.

State of Assam

-VS-

Md. Karim Ali .... Accused person.

### Under sections 23/24 Juvenile Justice Act.

Charge framed on .... 06.12.2017. Evidence recorded on .... 29.08.2018.

Statement of the accused u/s 313 Cr. P.C. recorded on: Dispensed with.

Arguments heard on .... 24.12.2018.

Judgment delivered on .... 24.12.2018.

### **JUDGMENT AND ORDER**

- 1. The brief facts of this prosecution case is that the informant lodged FIR before Gormur Police Out Post that four child labourers were employed by Nikon Company, during construction of high voltage electric lines at Gormur Nawpomua, the Company has violated Child Labour Prohibition Act and has employed children in hazardous work for which informant filed FIR before Gormur Police Out Post for necessary action.
- 2. The I/C Garmur Police Out Post received the FIR and after a G.D. Entry vide No. 210 dated 18.09.2012 forwarded the same to Jorhat Police Station for registration of a case.

- 3. The O/C Jorhat Police Station received and registered a case as Jorhat P.S. Case No. 893/2012 under sections 23/24 of Juvenile Justice (Care and Protection of children) Act, 2000. The Investigating Officer investigated this case and on completion of investigation filed charge sheet against the accused Md. Karim Ali under sections 23/24 of Juvenile Justice Act.
- 4. Case record was kept in the file of this Court for disposal. Summons was issued to the accused. On appearance of the accused, he was allowed to go on bail. Copy was furnished to him under section 207 Cr. P.C. and on finding sufficient materials against the accused, formal charge under sections 23/24 of Juvenile Justice Act was framed against the accused. The charge was read over and explained to the accused to which he pleaded not guilty and stood up to face trial.
- 5. Prosecution examined one witness as PW1 in this case. As nothing incriminating was found in his evidence so evidence was closed and Statement of the accused u/s 313 Cr. P.C. is dispensed with. Arguments from both sides were heard and judgment is prepared accordingly.

### 6. The points which arise for determination in this case are :-

- I. Whether the accused on 12.09.2012 being head of Nikon Company and being in charge of some juvenile/child exposed them to unnecessary physical or mental suffering and hence liable to be punished under section 23 of Juvenile Justice Act?
- II. Whether the accused on 12.09.2012 employed the juvenile/child for purpose of begging and hence liable to be punished under section 24 of Juvenile Justice Act?

#### 7. DISCUSSION, DECISION AND REASONS THEREOF:

I have heard arguments of both sides and also perused the materials and evidence on record. My decision and reasons for the decision are as follows:

- 8. PW1 is the informant of this case who deposed in his evidence that he was working as President of Assam Jatiyabadi Yuwa Satra Parishad in the year 2012. He does not know the accused person standing in the dock on that day. In the year 2012 they received an information from local people that there was some small children working in the electrical work at engineering road. When they reached the spot they found some people engaged in the electrical work of the company. Accordingly he lodged the FIR for incident at Garmur O.P. Exhibit-1 is the FIR and Exhibit-1(1) is his signature. He lodged this case on the basis of information by the local people at the Garmur O.O.
- 9. During cross-examination, PW1 deposed that when he reached the spot he did not see children engage in the electrical work. He has lodged this case out of suspicion. He has not seen any children doing any electrical work and except this he does not know anything.
- 10. From the evidence of only prosecution witness PW1, it appears that it was PW1 who had lodged this case against the accused. According to PW1, he received an information from the local people that some small children were working in the Electric Division at Engineering Road. When they reached the spot, they found some people engaged in electric work of the company. It is also seen from the evidence that he lodged this case out of suspicion and he did not see any children doing any electric work.
- 11. In view of such evidence of PW1 that he lodged this case on suspicion and no children were employed in the electric work, it appears that no allegations exists against the accused and there are also no incriminating materials in the evidence of PW1. As apparent the victims of this case have failed to adduce their evidence despite repeated issuance of summons to them and due service.
- 12. Considering therefore the quality of evidence of PW1 and absence of incriminating materials against the accused, I deem it fit and proper to acquit the accused of the offences under sections 23/24 of Juvenile Justice Act.

### <u>ORDER</u>

In the light of the above discussions, the accused Md. Karim Ali is acquitted of offence under sections 23/24 of Juvenile Justice Act and set at liberty forthwith, as prosecution failed to prove the guilt of the accused beyond reasonable doubt.

Bail bond shall remain in force for six months from today, in the light of section 437(A) of Cr. P.C.

Given under my hand and seal of this Court on this 24<sup>th</sup> day of December, 2018.

(Smt. R. Boro)
Chief Judicial Magistrate,
Jorhat.

Dictated & corrected by me:

Chief Judicial Magistrate,

Jorhat.

Typed and Transcribed by:

(Bhuneshwar Saw)

Stenographer Grade-III

## APPENDIX.

# **WITNESSES FOR THE PROSECUTION:**

P.W.1 ... Sri Shiva Kalita.

WITNESSES FOR THE DEFENCE:

NIL.

# **DOCUMENTS EXHIBITTED BY PROSECUTION SIDE:**

Ext. 1 : Ejahar;

### **DOCUMENT EXHIBITED BY DEFENCE SIDE/ACCUSED:**

NIL.

(Smt. R. Boro)
Chief Judicial Magistrate,
Jorhat.