## Spl.(POCSO) Case No.44/17

## 08.01.18.

Accused is present. Two PWs i.e. the victim and the complainant present. They are examined. Defence declined to cross-examine them. They are discharged. Learned P.P. considering the nature of evidence has submitted for closure of prosecution evidence on the ground that examination of any other witness would not improve the case anymore. Sufficient force is found in the submission. Hence, prosecution evidence is closed. Consideration of the evidence on record so recorded, I would like to proceed under Section 232 Cr.P.C. Accused is examined. Heard argument of both side.

In the instant case charges were framed u/s.366 I.P.C. and Section 6 of POCSO Act with the acquisition that on 05.09.17 at about 9.45 a.m. the accused kidnapped the victim and after that committed penetrative sexual assault. The charges when read over and explained the accused pleaded not guilty. Hence, trail began. In support of the case prosecution has examined the complainant and the victim. According to them, at the material time the victim was major and the victim having love affair with the accused voluntarily fled away with him. Subsequently, the victim was given marriage with the accused and both of them have been living as husband and wife. That being the nature of evidence this Court has got no option but to hold that prosecution case fails for want of implicating evidence. Accused is thus held not quilty of the offence as charged or whatsoever. He is thus acquitted and set at liberty forthwith.

## Contd... 08.01.18.

Bail bond stands discharged. This order of acquittal is pronounced and delivered in the open Court.

Sessions Judge, Cachar, Silchar.