ORDER

Special (P) Case No. 7/16

20/12/2018

Accused present. I have gone through the record and found that prosecution has established a case u/s- 354B IPC and section 8 and 12 of the POCSO Act, against the accused beyond all reasonable doubt. Prosecution has failed to establish a case against the accused u/s- 6 of the POCSO Act. The accused Dayaram Barman is convicted u/s- 354B IPC and u/s- 8 and 12 of the POCSO Act.

Heard the accused on the point of sentence. He submitted that he is the only male person in his family and his wife is dependent upon him and he prayed for showing him leniency. After hearing the accused on the point of sentence, the accused is sentenced to undergo S/I for 5 (five) years and also to pay a fine of Rs.10,000/- i/d, further S/I for another 6 (six) months for committing offence u/s- 8 of the POCSO Act. He is also sentenced to undergo S/I for 2 (two) years and also to pay a fine of Rs. 2,000/- i/d, further S/I for another 2 (two) months for committing offences u/s- 12 of the POCSO Act. He is also sentenced to undergo R/I for 3 (three) years and also to pay fine of Rs. 10,000/- i/d S/I for another 6 (six) months for committing offence u/s- 354B IPC. All the sentences will run concurrently. The period of detention already undergone by the accused shall be set off against the period of sentence u/s- 428 CrPC. The fine, if realize, be paid to the victim.

It appears from the record that the victim who is a minor girl and is little bit mentally retarded has suffered from trauma due to the commission of rape upon her by the accused. Considering the mental and physical suffering of the minor victim for the act done by the accused, I feel that compensation should be given to the victim. The matter of compensation is recommenced to the District Legal Service Authority, Nalbari. The District Legal Service Authority, Nalbari will decide the quantum of compensation to be awarded to the victim.

Seized birth certificate and disability certificate of the victim be returned back to the father of the victim. Other seized articles be destroyed in due course of time..

Judgment is pronounced at the open court in presence of the accused.

Furnish a copy of judgment free of cost to the accused. Send a copy of judgment to the District Magistrate, Nalbari and District Legal Service Authority, Nalbari.

Sessions Judge Nalbari