SPL. POCSO 16/16

16.03.2017

Accused is present. Victim and her parents are present as P.Ws. They are examined. Two of them are only cross examined by the defence side. The victim is examined in camera. Considering the nature of the evidence that come out from the mouth of the victim complainant and other witness, the learned P.P has submitted for closure of the prosecution evidence mainly on the ground that examination of any other witness would not improve the case any more. I find substance in the submission. Hence, prosecution evidence is proved. I would like to dispose of this case U/S 232 Cr.P.C. Accused is examined. Heard argument of both sides.

In the instant case charges have been framed U/S 4 of POCSO Act. & 313 IPC on the accusation that in the month of March 2013 at one night the accused committed penetrative sexual assault on the minor daughter of the complainant and as a result she became pregnant. Subsequently, her pregnancy was terminated on 4.7.13 in one Hospital at the instance of the accused without her consent. The charges were read over and explained when explained the accused pleaded not guilty.

PW1 is the complainant the father of the victim. according to his evidence, the accused wanted to marry the victim but his guardian was opposing the same. He then lodged FIR the Ex-1 to compel the guardian to accept his daughter. He further deposed that ejhar was written English and he can only put signature in Bengali. At the material time the victim was around 18 years of age and she did not disclose anything to him against the accused. The PW2 is the mother of the victim and according to her evidence there had some misunderstanding relating to love affairs of the victim with the accused and the victim did not report anything against the accused and the victim was aged around 18 years of age. PW3 is the victim who has deposed that the accused wanted to marry her but guardian of the accused opposed the same. Thereafter villagers advised them to lodge criminal case against the accused to compel

the accused and his family members to accept her as wife of the accused. She has further deposed that she had no physical relation with the accused and she being tutored by others gave statement before the Magistrate against the accused. at the material time she was more than 18 years of age and she has no grievances against the accused.

The above being the nature of evidence come out from the mouth of the material witnesses, I do not hesitate to hold that the prosecution case is not proved for want of any implicating evidence. Accused is thus, held to be not guilty of the offences as charged or whatsoever. He is thus acquitted and set at liberty forthwith.

This order of acquittal is pronounced and delivered in the open Court on this 16th Day of March, 2017.