IN THE COURT OF SESSIONS JUDGE, DARRANG, MANGALDAI.

Spl(POCSO) case No.57 of 2019.

(U/S:376 IPC and Section 4 of POCSO Act)

State
-Versus-**Md. Saidul Islam**S/O Md.Gajibur Rahman
Village- Rowmari chapari
P.S- Shyampur
Dist-Darrang(Assam)

-- Accused.

PRESENT: Sri P.K.Bora,A.J.S., Sessions Judge. Darrang,Mangaldai.

APPERANCE:

Learned advocate for the state : Mr. Premeswar Sarma, A N D

Learned advocate for the accused :Mr.Ataur Rahman

Evidence recorded on :16/09/19, 30/09/19 & 23/10/19,

Argument heard on :22/01/2020.

Judgment delivered on :22/01/2020

JUDGMENT:

- 1. The case of the prosecution in brief is that on 10/06/2019 one Kalu Sheikh lodged an FIR before the O/C, Shympur Police Station stating that today's before his 15 years old daughter Miss X(real name is withheld) was allured by the accused with a promise to marry her and thereafter she was raped.
- 2. On the basis of the said FIR, Police registered a case. Mukutar Rahman of Shyampur Police Station took the charge of investigation and launched investigation. On recovery of the victim, she was medically examined and her statement got recorded in the court. After completing the investigation, Police submitted charge sheet against the accused U/S 420/376 I.P.C. read with Section 4 of POCSO Act.
- 3. The accused was arrested by Police during investigation and later he got bail during the course of trial. On his production before this Court, the written charge U/S 376 I.P.C. read with Section 4 of POCSO Act was explained and read over to the accused to which the accused pleaded not guilty.

4. Points for determination:

(i) Whether on the date of occurrence the accused committed rape on Miss X and thereby committed the offence U/S 376 I.P.C. read with Section 4 of the POCSO Act?

REASONS AND DECISION THEREON

- 5. In the course of trial, the prosecution examined PW1 victim Miss X, PW2 Kalu Seikh, her father, PW3, her mother Manuwara Khatun, PW4 Muslimuddin, PW5 Dr. Pranita Das and PW6 Anjuma Khatun, elder sister of the victim.
- 6. PW1(victim) has stated in her evidence that her father had not filed any case against the accused and she also had not deposed any evidence

against the accused in the court. The prosecution declared this witness as hostile.

- 7. In her cross-examination, she categorically stated that no sexual intercourse was occured between the accused and her and she gave her statement in the Court as tutored by Shympur Police.
- 8. PW2 Kalu Sheikh denied having filed any FIR against the accused in the Police Station. He was also declared as hostile witness by the prosecution.
- 9. PW3 Manowara Khatun expressed ignorance about the occurrence. The prosecution declared this witness as hostile.
- 10. PW4 Muslimuddin knew nothing about the incident.
- 11. PW5 Dr. Pranita Das on 10/06/2019 examined one Miss X and her age was determined as 13 to 14 year as per radiological examination. No consent for examination of private part including the vaginal swab was allowed by the examinee.
- 12. PW6 Anjuma Khatun, elder sister of the victim also expressed her ignorance about the incident.
- 13. The accused person denied the indictments.
- 14. Therefore, there is nothing against the accused. This is not an effective case.
- 15. However, the prosecution has not been able to establish the allegation against the accused. Therefore, the accused Saidul Islam is acquitted and set at liberty forthwith.

16. Given under my hand and seal of this Court this 22nd day of Januaryr,2020.

(P.K.Bora) Sessions Judge, Darrang, Mangaldai.

Dictated and corrected by me.

Sessions Judge, Darrang, Mangaldai.

APPENDIX:

(A) Prosecution witnesses:

(i)PW1 Miss X (ii)PW2 Kalu Sheikh (iii)PW3 Manuwara Khatun (iv)PW4 Muslimuddin (v)PW5 Dr. Pranita Das (vi)PW6 Anjuma Khatun

(B)Defense witness: Nil

(C)Exhibits:

(i)Ext.1 statement of victim

(ii)Ext.2 medical report

Sessions Judge, Darrang, Mangaldai.

Typed by:

Nareswar Deka Stenographer.