<u>Special Pocso Case No. 19 of 2015</u> State :Vrs: 1. Mizazur Rahman Laskar 2. Usman Ali......Accused

Ser Date of Order or other Proceeding Signature Office action of Court ial order of taken on No. Proceedi order with date and ng dated signature of pleaders of parties when

necessary

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Accused persons are present.

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The complainant and his victim daughter are present as PW. They are examined cross examined and discharged. (victim is examined in camera) Considering the nature of evidence ld. PP submitted for closure of the prosecution evidence mainly on the ground that the instant case victim was not medically examined during investigation for ascertainment of age.

Considering the nature of evidence I find substance in the submission. Prayer is therefore allowed. I would like to proceed to dispose of the case u/s 232 Cr.P.C.

Accused is examined. Heard

In the instant case charge was framed on the accusation that on 31/07/15 at about 12 O'clock accused noon persons furtherance of their common intention kidnapped the victim, daughter of the complainant from her house. In support of the charge the complainant has adduced evidence deposing that on the date of occurrence on his return from work he found his daughter was missing in the house he came to know from the villagers that both the accused persons took the victim by an Auto and accordingly he lodged ejhar. Police during investigation recovered the victim from one house at Algapur. Ext 1 is the ejhar. It is seen that the house of the accused persons is situated in the village of the complainant. He further deposed that being asked the victim stated that she was taken by the accused.

PW.2 is the victim. She had deposed her age as 19. According to her on the date of occurrence she went to house of one of her relative at Algapur and finding her missing in the house her father lodged ejhar. She was recovered by the police. She gave statement before the

Magistrate on being tutored by others.

In the cross examination she stated that accused did not commit anything wrong against her and she had no grievance against the accused. She passed class IX about 2/3 years ago.

Evidence of PW.1 being not supported by the PW.2 with regard to alleged taking away by the accused is considered as hearsay evidence.

The victim denied her age as 14 years. As the victim has not adduced anything against the accused and evidence of PW.1 being hearsay in nature as stated earlier, virtually there is no evidence against the accused persons. Therefore, it is held that prosecution case is not established or proved against the accused persons for want of evidence.

Accused persons are thus held to be not guilty of the offences as charged or whatsoever. They are thus acquitted and set at liberty forthwith. Bail bonds stand cancelled.

This order of acquittal is pronounced and delivered in the

open court.

Special Judge

Cachar, Silchar

Crl Misc case No. 860 of 2015

Heard both sides in respect of bail prayer made for the accused Nilmoni Roy, Smt. Debenti Roy and Smti Archana Roy u/s 439 Cr.P.C. who are s in jail Hajat 2/10/15,29/10/15 since and 29/10/15 respectively in connection with Silchar PS case 2617/15 corresponding to No. GR case No. 4843 of 15 u/s 498A/307/34 / 304(b) IPC.

CD as called for is received.

Ld. defence counsel has submitted that both the female accused are in the jail hajat with the child of the deceased wife of the accused No.1.

It appears from the CD and the

copy of the dying declaration available in the CD that the accused persons fastening the deceased poured kerosene and set fire on her who raised alarm after that accused persons tried to extinguish the fire putting blanket on her and she was taken to SMCH where she died.

PM report is not yet collected.

However, considering the fact that one child aged about 1.5 years is under the care of the accused Smti Debenti Roy in the jail Hajat, I allow her to be released on bail of RS 20,000/-with one surety of the like amount to the satisfaction of the Elaka Magistrate. Prayer for the rest two accused persons at this early stage of investigation is rejected.

864/15

Heard both sides in respect of bail prayer made for the accused LalsangzualaMizo,
Vanchungunga,Sanghrelingal
Lussai,Nghaklien Lusain and
Challa Hmar who are in jail
Hajat since 8/10/15in connection
with Lakhipur PS case No.
231/15 corresponding to GR
case No. 5064 of 15 u/s 3 of the

E.S.Act.

CD as called for is received.

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RESOLUTION OF MEETING HELD ON 11.12.2015

Today at 4.15 p.m. meeting with the Chief Judicial Magistrate, Cachar, Silchar ,Special Railway Magistrate, 1st class, Silchar, Station Superindenant, Deputy Station Supdt. N.F.Railway, Silchar, Officer of R.P.F. & GRPF, Silchar Railway Station is held in the chamber of the District & Sessions Judge , Cachar, Silchar to discuss the matter for running the court of newly established Special Railway Magistrate having jurisdiction of Silchar, Karimganj, Hailakandi, Dima Hasao and Karbi Anglong in pursuance of Hon'ble High Court's Letter No.HC.VII-80/2015/3769/A, dtd.20.08.2015

During discussion it is resolved that the matter is to be informed to the Chief Security Commissioner, RPF, Maligaon N.F.Railway, Guwahati and the Chief Commercial Manager, Maligon N.F.Railway or any other appropriate authority if anyfor taking necessary steps on the part of the N.F.Railway.

It is also resolved that the copy of the resolution also be forwarded to the Registrar General and Registrar (Vigilance), Gauhati High Court for necessary direction if any on their part.

District & Sessions Judge, Cachar, Silchar.

Chief Judicial Magistrate Cachar, Silchar

Judicial Magistra 1st class –cum-Silchar. Station Supdt,

Special Railway Magistrate 1st class, Silchar

N.F.Railway

Deputy Station Supdt., Silchar, N.R.Railway.

Incharge, RPF.Silchar