SPL. POCSO No. 29/16.

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State.	• • • • • • • • • • • • • • • • • • • •	Complainant
State.	•••• ,,,,,,,	Complamant

-Vs-

Noor Ahmed. S/O Jalil Ahmed. Vill. Banshkhal. P.S. Dholai.

:::::: Accused.

U/s 4 of POCSO Act.

ORDER Dated 17-07-17.

Accused is present. Today three P.Ws including the complainant, victim and their mother are present. They are examined, cross-examined& discharged. Considering the nature of evidence the learned P.P. has submitted for closure of the prosecution evidence on the ground that examination of any further witness would not in any way improve the prosecution case. Sufficient force is found in the submission. Hence, evidence is closed. I would like to dispose of the case under provision of Sec 232 Cr.P.C..

Accused is examined. Heard argument of both sides.

In the instance case charge wasframed U/s 4 of POCSO Act with the accusation that on 04-09-16 in the night the accused committed penetrative sexual assault with the victim. The charge when read out and explained, the accused pleaded not guilty.

P.W.1 is the complainant, the brother of the victim. According to him, he lodged FIR against the accused on the allegation that the accused kidnapped her victim sister, but on the

following day the victim was recovered by him. Ext-1 is the FIR and ext-1(1) is his signature. He also deposed that out of misunderstanding he lodged the FIR at the instance of the villager. At present marriage of her victim sister is settled with the accused.

In his cross-examination he has deposed that at the material time the age of the victim was above 18 years.

P.W.2 RomijanBibihas deposed that the victim is her daughter. About one year back the victim was found missing in the house. On the following morning the victim was recovered by her son the P.W.1 Shehas also deposed that at present marriage of the victim has been settled with the accused and she has no grievance against him.

In her cross-examination she has stated that at the material time the victim was above 18 years.

P.W.3 Suyana Begum, the victim of this case,has deposed that she had love affairs with the accused. About one year back she fled away with the accused but on the following morning she was recovered by her brother. She has also deposed that out of social fear she gave statement before the Magistrate against the accused. At present her marriage is settled with the accused at the instance of guardian of both the parties.

In her cross-examination she has stated that at the material time she was above 18 years.

From the above, it reveals that the victim at her own will went with the accused and at the material time she was of consenting age. As there is no implicating evidence it can rightly be arrived at that the prosecution charge is held to be not proved at all. Accused is thus held to be not guilty of the offence as charged or whatsoever and he is therefore acquitted and set at liberty forthwith.

Bail bond stands discharged.

This order of acquittal is pronounced and delivered in the open Court under my seal & signature of this Court on this 17^{th} day of July, 2017.

Special Judge. Cachar, Silchar.