Spl POCSO 25/16.

03-12-16:

Accused is present. Three P.Ws including the victim and the complainant are present. Their evidence are recorded and they are discharged. The victim is examined in camera and she could identify the accused as their closed door neighbour. From the nature of evidence of five numbers of witnesses so far recorded learned P.P. has submitted for closure of prosecution evidence. Perused the record. I find substance in the submission. Hence evidence is closed. I would like to dispose of the case U/S 232 Cr.P.C. Accused is examined. Heard argument of both sides.

In the instance case charge was framed U/S 12 of POCSO Act with accusation that on 06-02-14 at 8-30 a.m. the victim daughter of the complainant was sexually assaulted by the accused. To prove the case prosecution examined five witnesses. Of them P.W.3 is the complainant who deposed that out of misunderstanding she lodged the FIR Ext-1. Her version is that at the time of alleged incident the victim went to the grocery shop of the accused who drove out the victim from his shop and for that there was an altercation and out of anger she lodged the case. P.W.5 the victim of this case aged about ten years and a student of class IV. She deposed that on her request to provide a blade the accused drove her out from the shop. Nothing more was happened.

From the evidence of P.W.1,2 and 4 no materials come out against the accused.

From the above it can rightly be arrived at the charge so framed is not proved for want of any incriminating materials about any alleged sexual assault. The accused thus held to be not guilty of the charge so framed or whatsoever. Accused is 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 3rd day of December,2016.

Special Judge. Cachar, Silchar.