State. :::: ;;;;;; Complainant.

 $-V_{S}$ 

Sri AkashKarmakar. S/O Sri SemkaKarmakar. KatlacheraT.E..P.S. Borkhola. ::::: Accused.

U/S 366 IPC & U/s 4 of POCSO Act.

## ORDER

Dated 13-06-17.

Accused is present. Today one P.W. i.e. the victim is also present. She is examined, cross-examined and 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. Further the victim could not be medically examined for want of her consent. 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 was framed U/S 366 IPC and U/s 4 of POCSO Act on the accusation that on 05-09-16 at about 1.00 p.m. the accused kidnapped the minor daughter of the complainant and committed penetrative sexual assault on her. The charges when read out and explained the accused pleaded not guilty.

P.W.1 is the complainant, the father of the victim. According to him, at about 7-8 months back when he returned home from work did not find the victim in the house. He also deposed that finding her missing in the house he lodged the ejahar,Ext-1 against

the accused. He stated that at the relevant time the victim was aged about 19 years. His further evidence is that subsequently the marriage of the victim was settled with the accused.

P.W.2 SurojTeli deposed that both the victim and accused had love affairs since prior to the alleged incident. According to his evidence about seven months back the victim fled away with the accused and for that her father finding her missing lodged the FIR against the accused and age of the victim was around 20 years.

P.W.3 Pinki Orang, the victim, who has deposed that she had love affairs since last three years with the accused and her father when abused her she went to the house of the accused and induced him to marry her. She has also deposed that being so induced accused married her in a Shib temple. She has also deposed that later on her father gave her marriage with the accused socially and both of them are residing as husband and wife. Further according to her at the material time she was aged about twenty 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 and subsequently both of them got socially married at the instance of the father of the victim. Therefore, it is found that no offence is made out against the accused. The prosecution charges are held to be not proved at all for want of implicating evidence. 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 seal & signature of this Court on this 13<sup>th</sup> day of June, 2017.

Special Judge. Cachar, Silchar.