09-09-16:

Accused namely, Laltab Prasad Dubey is present. Three P.Ws including the victim are present. Of them parents of the victim are cross-examined. Learned P.P. has declined to examine the victim on the ground of her tendered age and inability of saying anything. All of them are discharged. Considering the nature of evidence learned P.P. has submitted for closure of the prosecution evidence. 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 charges have been framed U/S 8 of POCSO Act and 323 IPC with the accusation that on 16-11-2015 the accused committed sexual assault on the minor daughter of the complainant and also caused simple injury with blunt object on her person. Charges when read out the accused pleaded not guilty. Today both the parents of the victim deposed that the accused at the material time was of their co-tenant and resided in adjacent room. At the time of occurrence the victim daughter aged about two and half years as usual went to the room of the accused and after some time they heard cry of the victim. They then went there and saw the victim is having no panty. Thereafter, at the instance of the neighbours lodged the FIR Ext-1. Both of them deposed that the victim is not in a position to say anything. On interaction with the victim it appears that she has forgotten everything.

In the cross-examination both the P.Ws deposed that out of misunderstanding the case has been lodged against the accused who has got wife and children. Both of them also deposed that the victim sustained no injury and they have no grievance against the accused.

In view of the above it can rightly be held that prosecution case is not proved for want of any implicating evidence. That being so, accused is held to be not guilty of the offence as charged or whatsoever. He is thus acquitted and set at liberty forthwith.

Bail bond stands discharged.

This order of acquittal is pronounced in the open Court under my seal & signature of this court on this 9^{th} day of September, 2016.

Special Judge. Cachar, Silchar.