Spl POCSO 32/16.

State of Assam. ::::::: Complainant.

-Vs-

Saidul Alam. Accused person. S/O Md. Mohibur Rahman Choudhury. Siknarayanpur. P.S. Katigorah.Cachar.

ORDER

Dated: 23-02-17.

Accused is present. The victim and complainant are presentas P.Ws. They are examined. Only victim is cross-examined and they are discharged. Considering the nature of evidence learned P.P. has submitted for closure of the prosecution evidence on the ground that examination of accused 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 was framed U/S 366 IPC R.W. Sec 4 of POCSO Act on the accusation that on 13-12-13 at about 10.00 p.m. the accused kidnapped the victim minor girl of the complainant and subsequently committed penetrative sexual assault on the victim. The charges were when read out accused pleaded not guilty.

P.W.1 is the complainant, the mother of the victim. According to her out of misunderstanding she lodged the complaint against the accused. Ext-1 is the FIR. She further she had no grievance against the accused.

P.W.2 the victim. According to her out of love affairs with the accused she fled away with the accused and subsequently she got married with the accused. Out of their wedlock two children were born but subsequently died. She has also stated that out of misunderstanding she lodged the FIR. And they have been residing as husband and wife. She has no grievance against the accused.

From the above, it reveals that there is nothing comes out against the accused to establish the allegation of any sexual assault. That being so, the prosecution charge is 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 my seal & signature of this Court on this 23rd day of February, 2017.

Special Judge. Cachar.Silchar.