Sessions case No. 11/16.

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

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Sri Subhra Chakraborty.
S/O Sri Sumesh Chakraborty.
Goniwala. E.N.D. Bandh..P.S. Silchar. ::::: Accused.

U/S 4 of POCSO Act.

ORDER Dated 03-06-17.

Accused is present. Three P.Ws including the victim and complainant are present. They are examined, cross is declined 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 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..Heard argument of both sides.

In the instance case charge was framed U/S 4 of POCSO Act on the accusation that on 03-11-12 at about 3.30 p.m. the accused committed penetrative sexual assault of the victim. The charge when read out denied by the accused.

P.W.1 is the complainant, the mother of the victim. According to her out of suspicion he lodged the ejahar,Ext-1 against the accused.

P.W.2 is the victim who deposed that she cannot remember anything about this case. She also stated that what happened with her about five years back and she also did not know anything for what she has been produced before this court.

From the above, it reveals that there is nothing comes out against the accused to establish the allegation of. penetrative sexual assault of the victim. 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 seal & signature of this Court on this 3<sup>rd</sup> day of May,2017.

Special Judge. Cachar, Silchar.