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IN THE COURT OF SESSIONS JUDGE DARRANG, MANGALDAI.

Spl(POCSO) case No.32 of 2018

(U/S:8 of POCSO Act).

State Versus

Miss Arjina Begum

W/O Md. Airuddin @ Ahed Ali Village- Dumunichowki (Maruwachowki) P.S-Sipajhar,Dist-Darrang (Assam)

--Accused.

PRESENT: Sri P.K. Bora, A.J.S., Sessions Judge. Darrang, Mangaldai.

APPERANCE:

Learned advocate for the State: Mr. Premeswar Sarma.

AND

Learned advocate for the accused :Mr. Dhrubajyoti Sarma

Evidence recorded on :27/05/19 and 12/06/19

Argument heard on : 12/06/2019

Judgment delivered on : 12/06/2019.

JUDGMENT:

- The case of the prosecution in brief is that on 30/08/2018 one Ina Begum lodged an F.I.R. before the O/C, Sipajhar Police Station stating that on 29/08/2018 at about 9 p.m. the accused and her son Rajul Ali was found committing illicit act in the bath room of the accused. At that time the age of her son Rajul Ali was 17 years.
- 2. Having received the FIR, Police registered a case, got the statement of the victim Rajul Ali recorded and after completion of the investigation Police submitted charge sheet against the accused U/S 4/17 of POCSO Act.
- 3. This Court after considering the materials on record, the accused was found committing an offence U/S 8 of POCSO Act. Therefore, the charge was framed accordingly. The written charge U/S 8 of POCSO Act explained and read over to the accused to which he pleaded not guilty.

4. Point for determination:

(i)Whether 29/08/2018 at about 9 p.m. the accused person committed sexual assault on Md. Rajul Ali ?

REASON AND DECISIONS THEREON:

- 5. In the course of trial, the prosecution examined Rajul Ali as PW1 and his mother informant PW2 Ina Begum.
- 6. PW1 has stated in his evidence that there was no any incident against the accused and as the public forced his mother, his mother lodged a case against the accused.
- 7. PW2 Ina Begum has stated in her evidence that on the day of the incident her son Rajul and the accused were found in a bath room. Regarding the incident she lodged a case against the accused. It has come in her cross-examination that there is a case regarding a road between her elder brother Babul and the husband

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of the accused. She denied the suggestion that on being instigated by her elder

brother, she lodged a false case against the accused.

8. PW2 has stated that the accused and her son was found in a bath room. On the

other hand, the victim (PW1) has stated that no such incident as appeared in the

FIR of the case had occured. Therefore, I do not feel any justification to proceed

with the case further.

9. In her statement recorded U/S 313 Cr.P.C., the accused has stated that from the

side of the informant a demand was raised to construct a road alone her land and

when the demand was not approved a false case was lodged against her.

10. However, the prosecution has not been able to prove the case against the accused

person beyond all reasonable doubt. Hence, the accused Arjina Begum is

acquitted and set at liberty forthwith.

(P.K. Bora) Sessions Judge, Darrang, Mangaldai.

Dictated and corrected by me.

Sessions Judge, Darrang, Mangaldai.

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APPENDIX:

- (A)Prosecution witnesses:
- (i)PW1 Rajul Ali (ii)PW2 Ina Begum
- B) <u>Defense witness: Nil.</u>
- C)Exhibits:
- (i)Ext.1 statement of victim

Sessions Judge, Darrang,Mangaldai.