Spl.(POCSO) Case No.33/17

13.11.2017

All three accused persons are present. Three PWs including the victim are present. They are examined. Defence declined to cross-examine them. They are discharged. Learned P.P. considering the nature of evidence has submitted for closure of prosecution evidence on the ground that examination of any other witness would not improve the case anymore. Sufficient force is found in the submission. Hence, prosecution evidence is closed. Consideration of the evidence on the record so recorded I would like to proceed under Section 232 Cr.P.C. Accused persons are examined. Heard argument of both sides.

In the instant case charge was framed u/s.366/34 I.P.C. with the acquisition that on 01.08.15 at about 9 p.m. the accused persons kidnapped the victim. The charge when read over and explained the accused persons pleaded not guilty. Hence, trail began. In support of the case prosecution examined the complainant, the victim and her mother. According to them, at the material time the victim was major and the victim having love affair with accused Akhtar Hussain voluntarily fled away with him. Subsequently, the victim was given marriage with the accused and both of them have been living as husband and wife and out of their wedlock she gave birth of a female child whose present age is around one year. Ext.2 is the statement of the victim. She stated before the Magistrate that she having love affair for previous two years fled away with the accused and got married. At that time she was 19 years.

That being the nature of evidence this Court has got no option but to hold that prosecution case fails for want of implicating evidence. Accused

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persons are thus held not guilty of the offence as charged or whatsoever. They are thus acquitted and set at liberty forthwith.

Bail bonds stand discharge. This order of acquittal is pronounced and delivered in the open Court.

Special Judge, Cachar, Silchar.