IN THE COURT OF SESSIONS JUDGE DARRANG, MANGALDAI.

Spl(POCSO) 3 of 2017.

(U/S: 276(2)(i)/511 of I.P.C. read with Section 8 of POCSO Act)

State Versus Md. Sayed Ali

S/O: Md. Sahabuddin Vill- No.2 Baruapara

P.S- Dalgaon, Dist-Darrang

-- 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 the accused: Mr.Ayesuddin.

Evidence recorded on :01/06/2018

Argument heard on : 05/02/2019

Judgment delivered on :05/02/2019.

JUDGMENT:

- 1. The case of the prosecution in brief is that on 05/06/2016 one Abdul Khalil lodged an FIR before the Dalgaon Police Station stating that on 31/05/2016 at about 9 a.m. the accused Sayed Ali taking the advantage of absence of any person in his house made her daughter naked by removing her clothes. When her daughter cried out for help, the accused fled away.
- 2. Having received the F.I.R. Police registered a case., got the statement of the victim girl recorded in the Court and finally the I.O. submitted charge sheet against the accused showing the accused as absconder.
- During investigation the accused appeared before this Court and he got bail from the Court. The court explained the charge against the accused U/S 376(2)(i) read with Section 511 IPC and read with Section 8 of POCSO Act.

4. Points for determination:

- (i) Whether the accused committed an offence of attempt of rape on the date of the incident?
- (ii) Whether the accused person committed an offence U/S 8 of POCSO Act?

REASON AND DECISION THEREON

- 5. In the course of trial, the prosecution examined Abdul Khalil as PW1, Sufia Khatun as PW2, Ahidur Rahman as PW3 and Khudeja Khatun @ Khaleda as PW4.
- 6. PW1 is not an eye witness of the incident. He heard about the incident after two days.
- 7. PW2 is the mother of the victim. She was also not present at the time of the incident. After three days of the incident she learnt about the incident.
- 8. PW3 knew nothing about the incident.
- 9. PW4 Khudeja Khatun @ Khaleda , a student of class <u>V</u>(five) states that on the date of the incident it was a rainy day and the accused entered into their house and at that time her parents were absent. As there was a quarrel between the accused and her parents at that time she raised an alarm. People gathered. She categorically stated that the accused did not commit anything to her.

- 10. In cross examination, she stated that on the date of the statement given by her before the Court during investigation she was accompanied by her mother and she was tutored to depose against the accused. Thus, the informant as well as the victim do not support the prosecution case. Thus, the prosecution has not been able to prove the case beyond all reasonable doubt.
- 11. Thus, the accused Sayed Ali is acquitted and set at liberty forthwith.
- 12. The bail bond of the accused shall remain in force for next six months U/S 437(A) Cr.P.C.
- 13. Given under my hand and seal of this Court this 5th day of February, 2019.

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

Dictated and corrected by me:

Sessions Judge, Darrang, Mangaldai.

APPENDIX:

A)<u>Prosecution witnesses</u>: i)PW1 Abdul Khalil ii)PW2 Sufia Khatun iii)PW3 Ahidur Rahman iv)PW4 Khudeja Khatun @ Khaleda .

B) Defense witness: Nil

C)Exhibit:

i)Ext.1 statement

Sessions Judge, Darrang, Mangaldai.