Spl POCSO 33/16.

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

-Vs-

Baruala Goala @ Sujit. Accused person.
S/O Sri Sadananda Goala.
Itachera T.E.
P.S. Udarbond.Cachar.

ORDER

Dated 16-02-17.

Accused is present. Three P.Ws including the victim and complainant are present. They are examined. Ld. Defence counsel has declined to cross-examine the witnesses. Hence 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 8 of POCSO Act on the accusation that on 19-09-16 at about 12'0clock noon the accused committed sexual assault on the victim. The charge when read out denied by the accused.

P.W.1 is the complainant, the father of the victim. According to him out of misunderstanding he lodged the complaint against the accused. Ext-1 is the FIR. He further deposed that he cannot say the contents of the FIR and he had no grievance against the accused.

P.W.2 the mother of the victim. According to her both the victim and the accused are cousin and at the material time quarrel between them picked up and out of misunderstanding her husband lodged FIR.

P.W.3 is the victim who deposed that accused is her cousin and there had been some stain relation in between her father and the accused and she cannot remember actually what happened and presently 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 chargedor 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 16^{th} day of February, 2017.

Special Judge. Cachar, Silchar.