

State By J.J. Nagar Police vs Syed Saleem on 9 February, 2018

BEFORE THE CHILD FRIENDLY COURT,
BENGALURU URBAN DISTRICT.

Dated this the 9th day of February, 2018.

Present: SMT.YADAV VANAMALA ANANDRAO., B.Com. LL.B.[Spl.]
LIV ADDL., CITY CIVIL & SESSIONS JUDGE, [CCH:55]
SITTING IN CHILD FRIENDLY COURT,
BENGALURU URBAN DISTRICT.

COMPLAINANT: SPL CC NO.65/2016
State by J.J. Nagar Police,
Bangalore City.
(By Learned Public Prosecutor)
-Vs -

ACCUSED: Syed Saleem,
Son of Syed Sardar,
Aged about 24 years,
Residing at: House No.17, 5th Cross,
Padarayanapura, J.J.Nagar,
Bangalore.

[By Advocate Sri.C.B.Abdul Sab]

- | | | |
|-----|--|---|
| 1. | Date of commission of offence | 3.9.2015 |
| 2. | Date of report of occurrence of the offence | 8.10.2015 |
| 3. | Date of arrest of accused | 02.11.2015 |
| 4. | Date of release of accused [bail] | 07.04.2016 |
| 5. | Period undergone in custody by the accused | 05 days and 05 Months |
| | 2 | Spl CC No.65/2016 |
| 6. | Date of commencement of evidence | 7.11.2017 |
| 7. | Date of closing of evidence | 6.2.2018 |
| 8. | Name of the complainant | Smt.Jabeen Taj, complainant as well as the mother of the victim girl |
| 9. | Offences complained of [as per the charge-sheet] | Secs. 363,366(A), 342 and 376 of IPC and under Sec. 5(l) r/w Sec.6 of POCSO Act, 2012 |
| 10. | Opinion of the Judge | Accused is Acquitted |

JUDGEMENT

The Police Inspector, JJ Nagar police station has filed charge-sheet against the accused for the offences punishable under Secs. 363,366(A), 342 and 376 of IPC and under Sec. 5(l) r/w Sec.6 of POCSO Act, 2012.

2. Brief facts of the prosecution case is that:

The accused on 3.9.2015 at about 10.30 A.M., kidnapped CW2/victim girl who was aged about 15 years from her house situated at No.24, 13th 'C' Cross, Padarayanapura, JJ Nagar, Bangalore, from her legal guardian with an intent that she may be forced or seduced to illicit intercourse with the accused and took her to Kiringur, Srirangapatna to the house of CW5 and wrongfully confined her in the said house from 3.9.2015 to 2.11.2015 and committed aggravated penetrative sexual assault on her [victim girl] repeatedly, knowingly that she was minor and against her will. Initially missing/kidnap case was registered in Cr.No.237/2015 for the offence punishable under Sec.363 of IPC by the complainant/mother of the victim girl and on the basis of the statement of the victim girl, after tracing out and arresting the accused, the Investigating Officer has got inserted the other penal provisions i.e., Secs. 366, 342 and 376 of IPC and Secs. 5(l) and 6 of POCSO Act, 2012. The Investigating Officer has continued the investigation and collected materials and filed charge-sheet. The accused being in the judicial custody was granted with bail. Initially the bail was rejected and after filing of the charge-sheet, he was granted with bail. Cognizance was taken.

3. Initially this case was made over to this court CCH:55. As per the Notification, No. ADM-I (A)/614/2017, of the Office of the city Civil Court, Bengaluru, dated:4.8.2017 with effect from the afternoon of 5.8.2017, now, the case is before this Child Friendly Court, Bengaluru Urban District, for disposal.

4. The accused who is on bail, is represented by the counsel of his choice. After appearance of the accused, the copies of the prosecution papers [charge-sheet] was furnished to the counsel on behalf of the accused in-compliance with Sec.207 of Cr.P.C.

5. After hearing the learned Public Prosecutor and the learned counsel for the accused, this court has framed the Charge on 25.4.2017 and read over to the accused in the language known to him. The accused pleaded not guilty and claimed the trial.

6. To prove the case, the prosecution has examined PWs-1 to P11 witnesses, out of total 23 charge-sheet witnesses and placed reliance on Exs.P1 to P21 documents and Material Objects at MOs-1 to 6. After recording of evidence of the prosecution witnesses, Statement of the accused under Sec.313 of Cr.P.C was recorded. He denied the incriminating evidence against him, but, he has [accused] not adduced evidence in support of his defence.

7. Heard the arguments of the learned Public Prosecutor and learned counsel for the accused. Perused the oral and documentary evidence and the record on hand.

8. Following Points are formulated for consideration:

1. Whether the prosecution has proved beyond all reasonable doubt that, on 3.9.2015 at about 10.30 A.M., the accused kidnapped the victim girl/CW2 who was aged about 15 years from her house situated at No.24, 13th 'C' Cross, Padarayanpura, JJ Nagar, Bangalore, from her legal guardianship, without such consent of guardian, thereby the accused has committed the offence punishable under Sec.363 of IPC?

2. Whether the prosecution has proved beyond all reasonable doubt that, on the same date, time and place the accused kidnapped the victim girl/CW2 with an intent that she may be seduced or forced to illicit intercourse with him, thereby the accused has committed an offence punishable under Sec.366 of IPC?

3. Whether the prosecution has proved beyond all reasonable doubt that, on the said date, time and place, the accused after kidnapping the victim girl/CW2 took her to Kiringur, Srirangapatna to the house of CW5 by name Smt.Saraswathamma and wrongfully confined her [victim girl/CW2] in the said house from 3.9.2015 till 2.11.2015, thereby the accused has committed an offence punishable under Sec.342 of IPC?

4. Whether the prosecution has proved beyond all reasonable doubt that, on the said date, time and place, the accused after kidnapping the victim girl/CW2 took her to Kiringur, Srirangapatna to the house of CW5 by name Smt.Saraswathamma and wrongfully confined her [victim girl/CW2] in the said house from 3.9.2015 till 2.11.2015 and committed aggravated penetrative sexual assault on the victim girl/CW2 repeatedly, knowingly that she was minor and against her will, thereby the accused has committed the offence coming under the definition Clause of Sec.5(l) of POCSO Act, 2012 punishable under Sec.6 of POCSO Act, 2012 r/w Sec.376 of IPC?

5. What Order?

9. My findings on the above points are as under:

Point Nos.1 to 4: In the NEGATIVE Point No.5: As per the final order, for the following:

REASONS

10. POINT NOS.1 TO 4:- As these Points are inter-linked to each other, they are taken up together for common discussion, to avoid repetition of facts, as the prosecution has come up with the case that, "the accused on 3.9.2015 at about 10.30 A.M., kidnapped CW2/victim girl who was aged about

15 years from her house situated at No.24, 13th 'C' Cross, Padarayanapura, JJ Nagar, Bangalore, from her legal guardian with an intent that she may be forced or seduced to illicit intercourse with the accused and took her to Kiringur, Srirangapatna to the house of CW5 and wrongfully confined her in the said house from 3.9.2015 to 2.11.2015 and committed aggravated penetrative sexual assault on her [victim girl] repeatedly, knowingly that she was minor and against her will."

11. Hence, the prosecution has to discharge its initial burden and only when it is discharged, the presumption under Secs.29 and 30 of POCSO Act, 2012 can be raised. Therefore, whether the prosecution is able to discharge its burden is a question to be considered on the basis of available evidence on record. If the prosecution has discharged the burden, then it would shift on the accused to rebut these presumptions.

12. In order to discharge its initial burden, the prosecution has adduced the evidence of PWs-1 to 11. The material witnesses are the victim girl and the complainant who is the mother of the victim girl. Therefore, the complainant-CW1 deposed as PW1 and the victim girl-CW2 deposed as PW2. On perusal of the evidence of PWs-1 and 2, the status of their family is revealed that, the husband of the complainant left her and her house and residing with his mother about 3 years back and she has 3 children and the victim girl was the 3rd child. In the year 2015, i.e., during the alleged incident, the victim girl was aged about 16 years and she had studied upto 5th standard and because of financial difficulty, she discontinued her education and the complainant was doing house keeping work. Though, the case of the prosecution that, the victim girl was kidnapped by the accused on inducing her of love affairs with sexual intent and confined her [victim girl] wrongfully in the house of CW5, at Kiringur, Srirangapatna and committed aggravated penetrative sexual assault on her which is coming within the purview of Sec.5(l) of POCSO Act, 2012, but, these material witnesses i.e., the mother of the victim girl/CW1/Pw1 and the very victim girl/CW2/PW2 have totally turned hostile to the prosecution case.

(a) The Complaint referred at Ex.P1, as she [Complainant/PW1} lodged the complaint as her daughter/PW2/victim girl did not traced out, as on the incident date, her daughter went out of the house at 10.30 A.M., in the morning on the ground of bringing soap, but, she did not return back. She [PW1] denied the mahazar conducted by the Investigating Officer, as per Ex.P2 with reference to the spot of incident. She [PW1] also denied the contents of her statement recorded by the Investigating Officer under Sec.161 of Cr.P.C as per Ex.P3.

(b) So, also the victim girl/PW2 denied her statement given before the Investigating Officer with reference to the alleged incident pertaining to committing of the said offence by the accused, as per Ex.P5. Though she [PW2] has stated about giving of statement before the Learned Magistrate under Sec.164 of Cr.P.C as per Ex.P4, but, she has specifically stated that she has given the said statement before the Learned Magistrate as per the say of the police. But, she does not know the contents of Ex.P4. Thus, these [PWs-1 and 2] material witnesses have not supported the contents of Exs.P1 to P5. Thus, PWs-1 and 2 have not supported the case of the prosecution case link the accused with the alleged offence of kidnap of the victim girl, wrongful

confinement and committing of sexual assault on the victim girl.

(c) The prosecution tried to bring the evidence of PW3 [CW3]-Ayub, through learned Public Prosecutor, who is happened to be the person alleged to have provided assistance to the accused. He has not identified the accused and totally turned hostile to the prosecution case that, "he was the resident of Vatara of Krishna in Kringuru, Srirangapatna, during the year 2015.

and that the accused was doing work in his shop for a period of one year and went to Bangalore and that, this witness was running Mutton Shop along with his brother-CW4 in Kiringur and Punchur shop. He has also further denied the suggestions put to him after declaring him as hostile witness by the learned Public Prosecutor that the accused came with the victim girl on 3.9.2015 at about 5 P.M., in the evening when he [PW3] was in the shop along with her brother-CW4 and the accused disclosed that, he was loving the victim girl and wanted to marry her, as it was not acceptable by the inmates of the victim girl and that, the inmates of his [accused] family have decided to perform his [accused] marriage with some other lady. Hence, the accused requested for accommodation and hence, he [PW3] provided a rented premises and also assured about their[victim girl and the accused] marriage and gave work in his puncher shop. Thereafter, the accused took the victim girl to Mysore and got her marriage and got their marriage and they are residing in the rented premises provided by him [PW3] and that on 2.11.2015 the police came to Kiringur to his [PW3] mutton shop and they told about the incident of kidnap of the victim girl by the accused and this witness showed the victim girl and the accused and the police took them and the police have made enquiry and visited the spot and accordingly, he [PW3] gave the statement before the police as per Ex.P6" etc. These suggestion are specifically dented by PW3 and thus he has totally turned hostile to the prosecution case to link the accused regarding alleged kidnap of the victim girl by the accused.

13. Now, coming to the incriminating evidence adduced by the prosecution i.e., the spot mahazar that was conducted on 8.10.2015 in between 4 to 5 P.M., by the Investigating Officer by securing the panch witnesses CW6 [PW7] and CW7 [PW8] i.e., in the house of the complainant bearing No.24, 13th cross, Padarayanapra, Bangalore by issuing Notice as per Ex.P11 and conducting of Spot Mahazar as per Ex.P12. But, these 2 witnesses [PWs-7and 8] have totally turned hostile to the prosecution case that, they specifically denied the suggestion after declaring them as hostile witnesses. But, during their [PWs-7 and 8] chief examination, they have deposed that, the police took their signatures on written documents by calling them to the police station and they did not went to the spot of incident nor mahazar as per Ex.P12 was conducted in their presence. Thus, the contents of Ex.P12, the alleged spot mahazar conducted by the Investigating Officer has not been proved by the prosecution.

14. The evidence of the Doctor is circumstantial evidence, but, it is not considered to be direct evidence ie., the witness CW10 who has examined the victim girl and she deposed as PW4. According to her, she has examined the victim girl as per the requisition of the Investigating Officer produced through the WPC with the history of sexual assault. The Requisition is at Ex.P7. The medical examination of the victim girl was conducted on 2.11.2015. According to her [PW4], she has opined that, on physical examination of the victim girl, she was moderately built and nourished

according to her age. On local genital examination, there was no external injury, pubic hair was present, no mattih, hymen was not intact, introitus admits 2 fingers easily and she has given her Provisional Medical Report as per Ex.P8. At the time of examination, she [PW4] has collected the articles with reference to the victim girl. During her evidence, she [PW4] has identified the said six articles i.e, (1) Vaginal Swab, (2) Vaginal Smear, (3) Cervical swab, (4) cervical smear, (5) pubic hair and (6) Nail Clippings of the victim girl. They are marked as MOs-1 to 6. Further she has opined that, "after her examining the victim girl and reviewing FSL Report, she has opined that, the victim girl is used to an act as that of coitus, however no evidence of recent intercourse. If the victim takes bath or changes her clothes and cleaning the genital area, stains or spermatozoa cannot be detected.". Though she [PW4] has stated about the physical contact of the victim girl, but, the very victim girl [PW2] and her mother[PW1] have not supported the prosecution case that, the accused had physical contact with the victim girl forcefully by kidnapping her and confining wrongfully in the said place. Therefore, without supporting and clinching and cogent evidence, the mere opinion of PW4-Doctor does not come to the aid of the prosecution to hold that, the accused had committed sexual assault on the victim girl in the manner, as contended by the prosecution. Therefore, it cannot be considered as clinching and cogent evidence to link the guilt of the accused with the alleged crime.

15. Now coming to the other witnesses i.e, police agency:

(a) CW16-Yunus-Police constable of the JJ Nagar police station, deposed as PW5, has stated that, he has taken the accused for medical examination and given Report in that regard for having done his duty, as per Ex.P10.

(b) CW14- Dadapeer- Police constable of JJ Nagar police station deposed as PW6 has stated about apprehending of the victim girl and the accused from Kringur, Srirangaptana and brought them to Bengaluru and produced them before the Investigating Officer of the JJ Nagar police station. He has done his official duty in that regard as per the directions of the Investigating Officer.

(c) CW20-Siddaiah.K.B., the then ASI of JJ Nagar Police station deposed as PW9, is the person who has received the complaint as per Ex.P1 and registered a case and submitted FIR as per Ex.P13 to the jurisdictional court. He has done his official duty in that regard, as per the directions of the Investigating Officer.

(d) CW22-Kumar.M- the then PSI of JJ Nagar police station deposed as PW10, who has assisted the Investigating Officer i.e, CW22 as CW22 deposed as PW11 has taken charge from PW5 and as he [PW11] had urgency work to be attended, he entrusted the work to PW10 and PW10 has recorded the voluntary statement of the accused and sent the victim girl for medical examination to Vani Vilas hospital. The Report of CW13 regarding apprehension of the accused and the victim girl and producing them in his presence and he [PW10] has complied arrest formalities and subsequently investigation was proceeded by PW11.

(e) CW23-Lingaraju- PI of JJ Nagar police station deposed as PW11 has stated that he has taken over the further investigation from CW20. On 2.11.2015, he has recorded the further statement of CW1 and CW1 has given her further statement as per Ex.P3. He deputed CWs-13 and 14 to trace out the victim girl and the accused; on the same day [i.e., on 2.11.2015] as he had to attend urgent work, he entrusted the work to PW10 and directed to record the voluntary statement of the accused and to send the victim girl for medical examination. On the same day, he [PW11] returned back from his work to the police station and collected the details of the case regarding recording of the voluntary statement of the accused, sending the victim girl for medical examination and CW13 gave his Report as per Ex.P14. On 3.11.2015, on the basis of the statements of the complainant and the victim girl, he sought permission of the court to insert Secs. 366, 342 and 376 of IPC and Secs. 5 and 6 of POCSO Act, 2012 and also sought permission to get recorded the statement of the victim girl under Sec.164 of Cr.P.C before the Learned Magistrate. On 8.11.2015, he deputed CW19 to visit the spot of incident where the accused had kept the victim girl, accordingly, CW19 conducted spot mahazar and recorded the statements of CWs-3 to 5 who are the panch witnesses and produced it before him [PW11]. On 17.11.2015, he deputed CW19 to collect the material objects from the hospital with reference to the accused, accordingly, CW19 brought 2 sealed articles from the hospital and produced it before him and he [CW19] gave his Report as per Ex.P15 and the Medical Report of the accused is as per Ex.P16.

Thereafter, he [PW11] subjected the material objects of the accused to PF No.124/2015. On 21.11.2015, he [PW11] deputed CW17 to collect the articles with reference to the victim girl from the hospital, accordingly, CW17 went to Vani Vilas Hospital and brought 6 sealed articles and provisional certificate of the victim girl and produced them before him [PW11] and he has subjected the said articles to PF No.125/2015 and CW17 gave his report as per Ex.P17 and the Provisional Medical certificate of the victim girl is Ex.P8; On 1.12.2015, he sent the sealed articles to FSL Mysore along with CW18 and the FSL has given acknowledgement for having received the articles as per Ex.P18; on 5.12.2015, he sent the victim girl for recording of the statement under Sec.164 of Cr.P.C, before the Learned Magistrate, as per Ex.P4; On 23.1.2016, he sent a Requisition to CW12-Head Mistress of R.M.Education Society, Padaryanapura, JJ Nagar, Bangalore, to issue Certificate certifying the birth certificate of the victim girl from her school , accordingly CW12 has issued the Certificate of date of Birth of the victim girl as per Ex.P19 and Admission Register with reference to the victim girl as per Ex.P20; on 28.1.2016, after collecting the materials, he submitted charge-sheet to the court; on 22.9.2017, he submitted the FSL Report and Medical report of the victim girl to the court and the Medical Report of the victim girl is marked as per Ex.P9 and the FSL Report is marked as Ex.P21. He [PW11] has identified the accused. He has done his statutory duty.

16. These police witnesses have deposed conducting of investigation and assisted the Investigating Officer during the course of investigation. But, the evidence of these police witnesses independently do not support the prosecution case to link the accused with the guilt, as contended in the complaint and also the materials collected during the course of investigation and the statement of the victim girl before the Learned Magistrate and also before the police. Therefore, the evidence of the police

witnesses being circumstantial evidence is not corroborated by the evidence of the material witnesses i.e., PWs-1, 2 and 3 and the panch witnesses PWs-7 and 8.

17. Apart from this, from the evidence of PWs-1 and 2, it is revealed that, after attaining the age of majority by the victim girl, the parents and the elders of both the families i.e., the victim girl and the accused, have performed the marriage of the victim girl with the accused and they both are leading marital life and now they have a child. Thus, it seems that it is a case of love affairs between the victim girl and the accused and the victim girl [PW2] and her mother [PW1] have not supported the prosecution case. Even after declaring them [PWs-1 and 2] as hostile witnesses and during the course of their cross-examination in spite of suggestion put to them about the offences as alleged against the accused. They [PWs-1 and 2] have specifically denied and come with the case that, as the victim girl was not properly attending to the household works, hence, her mother[PW1/complainant] scolded her. Hence, being annoyed by this, the victim girl left the house and according to her[victim girl/PW2], she went to her grandmother's house at Byajapura and missing complaint was lodged etc. Therefore, as there is no clinching and cogent evidence placed on record by the prosecution, to link the accused with the alleged crime. Thus, as the material witnesses [PWs-1 and 2] have totally turned hostile to the prosecution case and considering the fact that, no purpose would be served by issuing warrants and summons to the other charge-sheet witnesses who are not considered to be material witnesses, but, they can be considered as circumstantial witnesses, and as the material witnesses [PWs-1 and 2] totally turned hostile to the prosecution case, the issuance of summons and warrants to the other charge-sheet witnesses have been dispensed with and their evidence was dropped. Hence, the prosecution has failed to bring home the guilt of the accused beyond all reasonable doubt, by discharging the initial burden and the prosecution by leading the evidence of circumstantial witnesses, it has not proved the guilt of the accused that he has committed the offence of kidnap and sexual assault on the victim girl. Therefore, benefit of doubt has to be extended in favour of the accused and he is entitled for an order of acquittal. Hence, POINT NOS.1 TO 4 ARE ANSWERED IN THE NEGATIVE.

18. The victim girl [PW2] has totally turned hostile and not supported the prosecution case. Even the mother of the victim girl [PW1] has turned hostile to the prosecution case. It seems that, it is a case of love affairs. After attaining the age of majority by the victim girl, the family members of the victim girl and the accused have performed their [victim girl and the accused] marriage and both of them are leading marital life and now they have a child. Hence, PWs-1 and 2 have not supported the case of the prosecution. Hence, the victim girl is not entitled for any victim compensation, as provided under law.

19 . POINT NO.5:- In the result, I proceed to pass the following:

ORDER Acting under Sec.235(1) of Cr.P.C, the accused is hereby acquitted of the offences punishable under Secs. 363, 366 and 342 of IPC and under Sec.6 of POCSO Act, 2012 r/w Sec.376 of IPC.

His bail bond and surety bond stand cancelled.

MOs-1 to 6 being worthless are ordered to be destroyed after the appeal period is over.

[Dictated to the Stenographer, transcript thereby corrected and then pronounced by me in the open court on this the 9th day of February, 2018] [YADAV VANAMALA ANANDRAO] LIV ADDL., CITY CIVIL & SESSIONS JUDGE, [CCH:55] SITTING IN CHILD FRIENDLY COURT, BENGALURU URBAN DISTRICT.

ANNEXURE Witnesses examined for the prosecution:

Pw.1	Jabeena	CW1	7.11.2017
Pw.2	Victim girl	CW2	10.1.2018
PW.3	Ayub	CW3	10.1.2018
Pw.4	Dr.Mrudula	CW10	1.2.2018
Pw.5	Yunus	CW16	1.2.2018
PW.6	Dadapeer	CW14	1.2.2018
PW.7	Mubarak	CW6	1.2.2018
PW.8	Fayaz	CW7	1.2.2018

PW.9	Siddaiah.K.B	CW20	6.2.2018
PW.10	Kumar.M	CW22	6.2.2018
PW.11	Lingaraju	CW23	6.2.2018

Documents marked for the prosecution:

Ex.P1	Complaint given by PW1 to the complainant police
Ex.P1(a)	Signature of PW9
Ex.P2	Spot Mahazar of the place of incident
Ex.P2(a)	Signature of PW2/victim girl
Ex.P3	Statement of PW1 given before the complainant police under Sec.161of Cr.P.C
Ex.P4	Statement of PW2/victim girl given before the

Learned Magistrate under Sec.164 of Cr.P.C Ex.P4(a) Signature of PW2/victim girl
 Ex.P5 Statement of PW2/victim girl given before the complainant police under
 Sec.161 of Cr.P.C Ex.P6 Statement of PW3 given before the complainant police under
 Sec.161of Cr.P.C Ex.P7 Requisition given to the Medical officer of Vani Vilas Hospital
 for examining the victim girl Ex.P8 Provisional Medical Report of the victim girl
 Ex.P8(a) and Signatures of PW4 Ex.P8(b) Ex.P9 Final Medical Report of the victim
 girl Ex.P9(a) Signature of PW4 Ex.P10 Report given by PW5 before the Police
 Inspector of complainant police station regarding taking the accused for medical
 examination to Victoria Hospital Ex.P10(a) Signature of PW5 Ex.P11 Police notice
 Ex.P11(a) Signature of PW7 Ex.P11(b) LTM of PW8 Ex.P12 Spot Mahazar conducted
 in the house of CW1/complainant from where the victim girl/PW2 was kidnapped
 Ex.P12(a) Signature of PW7 Ex.P12(b) Signature of PW9 Ex.P13 FIR Ex.P13(a)
 Signature of PW9 Ex.P14 Report given by CW11-Gangarangaiah-ASI of JJ Nagar

police station regarding tracing out the accused and the victim girl at Kiringuru, Srirangapatna and produced them before the Police Inspector of the complainant police station Ex.P14(a) Signature of PW11 Ex.P15 Report given by CW19-T.Subbaiah-ASI of complainant police station regarding collecting the medical report and the articles collected from the accused from Victoria Hospital Ex.P15(a) Signature of PW11 Ex.P16 Medical Report of the accused Ex.P16(a) Signature of PW11 Ex.P17 Report given by CW17- Kum.Shabana Patel-WPC of the complainant police station regarding taking the victim girl for medical examination to Vani Vilas Hospital Ex.P17(a) Signature of PW11 Ex.P18 Acknowledgement issued by the FSL for having received the sealed articles Ex.P18(a) Signature of PW11 Ex.P19 Study Certificate issued by the Head Mistress of R.M.Education Society Urdu Primary School, Padaryanapura, Bangalore, certifying the date of birth of the victim girl as 4.4.2001.

Ex.P19(a)	Signature of PW11
Ex.P20	Admission Register of R.M.Education Society Urdu Primary School, Padaryanapura,

Bangalore, showing that the victim girl was admitted to the School during the year 2006-

2007 at Admission No.69

Ex.P21	FSL Report
--------	------------

Material Objects marked for the prosecution:

M0-1	Vaginal Swab	
M0-2	Vaginal smear	
M0-3	Cervical swab	of PW2/victim girl
M0-4	Cervical Smear	
M0-5	Pubic hair	
M0-6	Nail Clippings	

Witness examined, documents and M0s marked for the accused: NIL

[YADAV VANAMALA ANANDRAO]

LIV ADDL., CITY CIVIL & SESSIONS JUDGE, [CCH:55] SITTING IN CHILD FRIENDLY COURT, BENGALURU URBAN DISTRICT.

.

9.2.2018 Accused is present.

Judgment pronounced in open court:

[Vide separate detailed Judgment] Acting under Sec.235(1) of Cr.P.C, the accused is hereby acquitted of the offences punishable under Secs. 363, 366 and 342 of IPC and under Sec.6 of POCSO Act, 2012 r/w Sec.376 of IPC.

His bail bond and surety bond stand cancelled.

MOs-1 to 6 being worthless are ordered to be destroyed after the appeal period is over.

[YADAV VANAMALA ANANDRAO]] LIV ADDL., CITY CIVIL & SESSIONS JUDGE,
[CCH:55] SITTING IN CHILD FRIENDLY COURT, BENGALURU URBAN
DISTRICT.