

State By Vidyaranyapura Police vs Mohammed Hussain on 9 April, 2018

BEFORE THE CHILD FRIENDLY COURT,
BENGALURU URBAN DISTRICT.

Dated this the 9th day of April, 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.

SPL CC NO.285/2016
COMPLAINANT: State by Vidyaranyapura Police,
Bangalore City.
(By Learned Public Prosecutor)
-Vs -
ACCUSED: Mohammed Hussain
Son of Kareemsab,
Aged 21 years,
Residing at: Basavalingappa Badavane,
Hesaraghatta Main Road,
M.S.Palya, Vidyaranyapura,
Bangalore.

Permanent Resident of :
Yalaghatta Grama/Post,
Lingasuru Taluk,
Raichur District.

[By Advocate Sri. M.K.Raghavendra]

1.	Date of commission of offence	01.04.2016
2.	Date of report of occurrence of the offence	02.04.2016
3.	Date of arrest of accused	14.04.2016
4.	Date of release of accused [bail]	16.08.2016
	2	Spl CC No.285/2016
5.	Period undergone in custody by the accused	4 months 2 days
6.	Date of commencement of evidence	16.12.2017
7.	Date of closing of evidence	20.3.2018
8.	Name of the complainant	Smt.N.Hanumanthi,

complainant as well as the
mother of the victim girl.

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|-----|------------------------|--|
| 9. | Offences complained of | Secs. 363, 344, 376 and 506 of
IPC, Secs. 5(1), 6 of POCSO Act,
2012 |
| 10. | Opinion of the Judge | The accused is acquitted |

JUDGEMENT

The Police Inspector, Vidyaranyapura police station has filed charge-sheet against the accused for the offences punishable under Secs. 363, 344, 376 and 506 of IPC and under Secs.4 and 6 of POCSO Act, 2012.

2. Gist of the prosecution case is that:

The accused, kidnapped the victim girl/CW9 aged about 15 years from her house No.109, Hessaraghatta Main Road, Basavalingappa Badavane, on 1.4.2016 at about 12 P.M., in the afternoon and from her lawful guardian without the consent of the lawful guardian and took her to the house of CW14-Smt.Muniyamma in order to seduce her [CW9] for illicit sexual intercourse and kept her there from 1.4.2016 to 14.4.2016 under wrongful confinement and committed aggravated penetrative sexual assault/rape on her against her will, knowing that she is minor by giving life threat. Hence, on the basis of the complaint lodged by the complainant/mother of the victim girl, initially a case in Cr.No.102/2016, was came to be registered for the offence punishable under Sec.363 of IPC. During the course of investigation, after tracing out the victim girl, and on enquiring and recording of her statement about the incident, the Investigating Officer has added Secs. 344, 376 and 506 of IPC and Secs. 4 and 6 of POCSO Act, 2012 and proceeded further with the investigation and arrested the accused, and the accused was taken to the judicial custody. After collecting the materials, the Investigating Officer has filed charge-sheet against the accused.

Cognizance was taken. The accused was granted with bail.

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 was granted with bail. He 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 4.10.2017 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 16 witnesses, out of total 18 charge-sheet witnesses and placed reliance on Exs.P1 to P18 documents; Ex.C1-Statement of the victim girl recorded by the Learned Magistrate under Sec.164 of Cr.P.C and four Material objects as MOs-1 to 4. After completion of the evidence of the prosecution witnesses, statement of the accused under Sec.313 of Cr.P.C was recorded. The accused has denied the incriminating evidence available against him, but, he has not chosen to adduce defence evidence on his behalf.

7. Heard the arguments of the learned Public Prosecutor and the learned counsel for the accused. Perused the oral and documentary evidence and the record on hand. Following Points are formulated for consideration:

1. Whether the prosecution has proved beyond all reasonable doubt, the accused kidnapped the victim girl/CW9 aged about 15 years from her house No.109, Hesaraghatta Main Road, Basavalingappa Badavane, on 1.4.2016 at about 12 P.M., in the afternoon and from her lawful guardian without the consent of the lawful guardian and thereby the accused have committed an offence punishable under Sec.363 of IPC?.

2. Whether the prosecution has further proved beyond all reasonable doubt that, the accused on the said date, time and place after kidnapping the victim girl/CW9 took her to the house of CW14-Smt.Muniyamma in order to seduce her [CW9] for illicit sexual intercourse and kept her there from 1.4.2016 to 14.4.2016 under wrongful confinement and thereby the accused has committed an offence punishable under Sec.344 of IPC?

3. Whether the prosecution has further proved beyond all reasonable doubt that the accused on the same date, time and place after kidnapping the victim girl/CW9, kept her under wrongful confinement from 1.4.2016 to 14.4.2016 in the house of CW14 and committed rape on her against her will, knowing that she is minor and thereby the accused have committed an offence punishable under Sec.376 of IPC?

4. Whether the prosecution has further proved beyond all reasonable doubt that the accused on the same date, time and place after kidnapping the victim girl/CW9, kept her under wrongful confinement from 1.4.2016 to 14.4.2016 in the house of CW14 and committed aggravated penetrative sexual assault on her repeatedly, against her will, knowingly that she is minor and thereby the accused have committed an offence as defined under Sec.5(l) of POCSO Act, 2012 and punishable under Sec.6 of POCSO Act, 2012?

5. Whether the prosecution has further proved beyond all reasonable doubt, the accused committed criminal intimidation by confining wrongfully and committing rape on CW9/victim girl during the said period by giving life threat and thereby the accused have committed an offence punishable under Sec.506 of IPC?

6. What Order?

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

Point Nos.1 to 5: In the NEGATIVE Point No.6: As per the final order, for the following:

REASONS

9. POINT NOS.1 TO 5:- As these Points are inter-linked to each other, they are taken up for common discussion to avoid repetition of facts. It is the specific case of the prosecution that, "The accused, kidnapped the victim girl/CW9 aged about 15 years from her house No.109, Hesaraghatta Main Road, Basavalingappa Badavane, on 1.4.2016 at about 12 P.M., in the afternoon and from her lawful guardian without the consent of the lawful guardian and took her to the house of CW14-Smt.Muniyamma in order to seduce her [CW9] for illicit sexual intercourse and kept her there from 1.4.2016 to 14.4.2016 under wrongful confinement and committed aggravated penetrative sexual assault/rape on her against her will, knowing that she is minor by giving life threat.". 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 the available evidence on record. If the prosecution is able to discharge the burden, then the onus would shift on the accused to rebut these presumptions that, he is innocent and he has been falsely implicated. Hence, it is proceeded to consider the evidence placed on record by the prosecution, whether the prosecution is able to discharge the initial burden to convict the accused.

10. The prosecution has adduced the evidence of the material witnesses i.e., the complainant/mother of the victim girl i.e., CW1 as PW1, the father [CW11] of the victim girl has deposed as PW2, the elder brother [CW12] of the victim girl has deposed as PW3. PWs-1 to 3 have deposed that, the victim girl/CW9 is the daughter of PWs-1 and 2 and sister of PW3 and she has not gone to the school. About 1 ½ years back, the victim girl was aged about 15 to 16 years. At that time, PWs-1 to 3 used to go for coolie work and the victim girl used to reside at home. They used to go to work at 9 A.M., in the morning and used to return back to the house by 6 to 7 P.M. PWs-1 to 3 have identified the accused in the 'closed accused platform' in the open court. The accused was residing nearby their house in a hut. They deposed that, about 1 ½ years-2 years back, PW1 did not go to the work and PWs-2 and 3 were gone to the work. She [PW1] scolded and beaten the victim girl as the victim girl was not doing any household works. Because of that reason, she [victim girl] went out of the house and did not return. She [PW1] searched for her, as the victim girl was not available, she lodged the complaint. After 4 to 5 days, CW9/ victim girl came back to the house. They enquired with the victim girl. The victim girl disclosed that, as she [PW1] scolded and beaten her, she went to

her relatives house located near Amba Bhavani Temple. Thereafter, the victim girl was taken to the police station. She was not sent to the hospital for medical examination. The police sent the victim girl for recording her statement by the Learned Magistrate. They [PWs-1 to 3] have deposed that, the accused has not kidnapped the victim girl; nor he wrongfully confined the victim girl; nor he has committed any sexual assault on the victim girl by giving life threat. The learned Public Prosecutor prayed to treat these [PWs-1 to 3] witnesses as hostile. With due permission of the court, after declaring them [PWs-1 to 3] as hostile witnesses, the learned Public Prosecutor subjected them to the cross-examination by putting suggestions that, the accused had kidnapped the victim girl and wrongfully confined her and committed sexual assault on her, to which they have denied the said suggestions.

(a) PW1 has identified the Complaint given by her and the same is marked as Ex.P1. She has denied that the police have conducted Spot Mahazars as per Exs.P2 and P3 in her presence.

She has also denied that she has given her statement under Sec.161 of Cr.P.C before the police as per Ex.P4. She has identified the Age Certificate of the victim girl issued by Anganawadi, Jalahalli, Raichur as per Ex.P5.

(b) PW2 has denied that, he has given statement under Sec.161 of Cr.P.C before the police as per Ex.P6.

(c) PW3 has denied that, he has given statement under Sec.161 of Cr.P.C before the police as per Ex.P7.

Thus, these [PWs-1 to 3] witnesses totally turned hostile to the prosecution case and not supported the case of the prosecution that, the accused had kidnapped the victim girl/CW9 and wrongfully confined her in the rented house belonging to CW12-Smt.Muniyamma and had committed sexual assault on the victim girl.

11. The prosecution has examined the following panch witnesses:

(a) CW2-Shivaraj deposed as PW4 and CW3-Parashuram deposed as PW5 who are happen to be the panch witnesses to Spot Mahazar-Ex.P2 conducted by the Investigating Officer in connection to the alleged place where from the victim girl was kidnapped. But, these two witnesses have totally turned hostile to the prosecution case. But, they [PWs-4 and 5] have admitted their signatures on Notice-Ex.P8 as Ex.P8(a) and P8(b) respectively and their signatures on Ex.P2 as Ex.P2(a) and P2(b) respectively.

Thus, they have not supported the mahazar of the spot. Even after declaring them as hostile witnesses with permission of this court by the learned Public Prosecutor, and on putting suggestions, they [PWs-4 and 5] have not supported the prosecution case that, in their presence, the Spot Mahazar as per Ex.P2 was conducted on 3.4.2016. Thus, the contents of Ex.P2 has not been

proved.

(b) CW14-Smt.Muniyamma deposed as PW12 and CW13-Chethan deposed as PW15, who are the panch witnesses to the spot mahazar-Ex.P3 conducted by the Investigating Officer in connection with the place of incident, as it is alleged that the accused took the victim girl and committed sexual assault in the said house belonging to CW14. Notice referred to being served upon these two witnesses is at Ex.P18. It is alleged that the accused and the victim girl were staying in the said house, as disclosed in the Mahazar at Ex.P3 and the place has been shown by PW1 and the victim girl, but, they [PWs-12 and 15] have totally turned hostile to the prosecution case that, in their presence, spot mahazar [Ex.P3] was conducted. They have not supported the prosecution case. Even the learned Public Prosecutor on getting them declared as hostile witnesses, with due permission of this court, put the suggestions, but, they [PWs-12 and 15] have not supported the prosecution case. Hence, contents of Spot Mahazar-Ex.P3 are not proved also. It cannot attract the alleged offence against the accused that, "he had stayed in the said house keeping the victim girl therein and committed sexual assault on her [victim girl]". The contents of Spot mahazar-Ex.P3 are not duly proved by the prosecution about the said place of incidence, through PWs-12 and 15. Hence, their evidence do not come to the aid of the prosecution.

12. The prosecution has tried to examine the official witnesses who have apprehended the accused and traced out the victim girl i.e:

(a) CW5-Prabhakar-Head Constable of Vidyaranyapura police station who deposed as PW6, CW7- Prathima- WPC of Vidyaranyapura police station who deposed as PW7 and CW4- Sudhakar-Head constable Vidyaranyapura police station who deposed as PW14, who have specifically deposed about their duty undertaken during the course of investigation, to search the accused and trace out the victim girl that, on 14.4.2016, as per the direction of the Police Inspector [Investigating Officer], they proceeded to trace out the victim girl and the accused and contacted the informers and they went to the house of Jayalakshamma in whose house the victim girl and the accused were staying; and traced out the accused and also the victim girl and the WPC [PW7] took the custody of the victim girl and PWs- 6 and 14 took the custody of the accused and brought them to the police station and produced them before the Investigating Officer.

They have identified the accused. But, it is specific denial during the course of cross-examination that, they have not apprehended the accused; nor also traced out the victim girl, as per the directions of the Investigating Officer, nor the Investigating Officer has appointed them in that regard. Whereas it is notable aspect that, PWs-1 to 3 have not supported in that regard. Even prosecution has not traced out the whereabouts of the victim girl inspite of issuance of proclamation, at the time of trial. What is disclosed from the evidence of PWs-1 to 3 is that, after 4 to 5 days thereafter, the victim girl returned back to the house and on enquiry, she stated about her annoyance and going to her relatives house etc. They [PWs-1 to 3] have not supported the prosecution case that, they [PWs-6, 7 and 14] have apprehended the accused and also traced out the victim girl. It creates doubt about tracing out of the victim girl and also the accused in the said place,

as because other witnesses PWs-1 to 3 by deposing contrary have not corroborated the case of the prosecution so that, the accused can be linked with the alleged offences, considering it as corroborative evidence to bring home the guilt of the accused for conviction. However, it is settled principle that, without there being any corroboration, the evidence of the official witnesses have no force to attract the guilt of the accused in this case. Hence, the evidence of these official witnesses do not come to the aid of the prosecution to link the guilt of the accused.

(b) CW7-Lavanya, the then WPC of Vidyananyapura police station and CW8- Ganesh - Police Constable of Vidyananyapura police station deposed as PWs-8 and 9 respectively. PW8 has deposed that she took the victim girl to M.S.Ramaiah Hospital for medical test by receiving requisition from the Investigating Officer on 15.4.2016 and returned back to the police station after the medical examination of the victim girl and produced her [victim girl] before the Investigating Officer. There is mere denial that, such duty has not been performed by PW8. So, also PW9 has deposed that, he took the accused to M.S.Ramaiah Hospital for medical test by receiving requisition from the Investigating Officer on 15.4.2016 and returned back to the police station after the medical examination of the accused and produced him [accused] before the Investigating Officer and he [PW9] has identified the accused in that regard. It is also mere denial during the cross-examination by defence side that, such duty has not been performed by PW9. However, the medical reports of the victim girl and the accused are placed on record by the Investigating Officer and these [PWs-8 and 9] have performed their duty during the course of investigation regarding taking the victim girl and the accused for medical examination. Hence, no much discussion is necessary.

(c) CW13-Prabhakar Reddy.N- Head Constable of Vidyanranayapura police station deposed as PW16. He has stated on oath that, as per the orders of the Police Inspector/Investigating Officer on 20.5.2016, he went to M.S.Ramaiah Hospital and collected 4 sealed articles with reference to the accused and came back to the police station and produced them before the Police Inspector/Investigating Officer and gave Report in that regard as per Ex.P15. Again on 13.6.2016 as per the orders of the Police Inspector/Investigating Officer he went to M.S.Ramaiah Hospital and collected 2 sealed articles with reference to the victim girl and came back to the police station and produced them before the Police Inspector/Investigating Officer and gave Report in that regard as per Ex.P16. There is mere denial that, such duty has not been performed by PW13, etc., on the part of defence, during cross-examination.

(d) CW18-Punith Kumar- the then Police Inspector/Investigating Officer of Vidyanranayapura police

station deposed as PW16. On perusal of his evidence, it is revealed that, when he was on duty, he received written complaint at 9.45 P.M., on 2.4.2016 [Complaint-Ex.P1] and he registered a case in Cr.No.102/2016 and copy of FIR-Ex.17 was sent to the court. Thereafter, on the basis of the complaint and FIR, he has undertaken the investigation and collected the material i.e, conducted Spot Mahazars as per Exs.P2 and P3, recorded the statements of th witnesses and also sent the victim girl and the accused for medical examination and also sent the victim girl for recording of the statement by the Learned Magistrate under Sec.164 of Cr.P.C, collected the medical reports of the victim girl and the accused and also collected the age proof of the victim girl from CW10 who has submitted the certificate showing that, the victim girl was minor at the time of incident. He has

identified the accused that he has arrested him during the course of investigation. After completing the investigation, he has filed charge-sheet as there are materials collected by him against the accused. Thus, his [PW16] evidence is pertaining to filing of the complaint till filing of the charge-sheet. It is well-settled principle that, evidence of the official witnesses shall be scrutinized on the basis of the material corroborations supporting the prosecution case and in this case, it is applicable to consider the evidence of the official witnesses. The evidence of PW16 is not corroborated with cogent and clinching evidence having force, to bring home the guilt of the accused.

13. Now coming to the medical evidence, the prosecution has adduced the evidence of:

(a) CW15-Dr.S.Harish deposed as PW10. He has deposed in connection with the medical examination of the accused and issuance of Medical Reports as per Exs.P10 to P12. He [PW10] has given the opinion that, the person is not incapable of performing sexual intercourse. He has collected the articles with reference to the accused as per MOs-1 to 4.

(b) CW11-Dr.Jasmine Sarah Ibrahim deposed as PW11.

She has deposed in connection with the medical examination of the victim girl with the history of the sexual assault. The victim girl was aged about 15 years as per her statement. Her [victim girl] hymen was torn. Accordingly, she [PW11] has issued the Medical Certificate of the victim girl as per Ex.P13.

Though the evidence of these witnesses [PW10 and PW11] on record it does not come to the aid of the prosecution to link the accused that, he had committed the alleged sexual assault on the victim girl, as because, the material witnesses PWs-1 to 3 have not spoken that, the accused has committed the offence of kidnap and sexual assault on the victim girl. The victim girl has not been secured by the prosecution inspite of issuing proclamation. Hence, the contents of said medical records and their evidence under such circumstances cannot be relied upon to hold that the accused as guilty of the said offences.

14. Therefore, viewed from the materials placed on record, as discussed above, the material witnesses i.e., PWs-1 to 3 have totally turned hostile to the prosecution case and specifically the very material witness i.e, the victim girl was not traced out inspite of issuance of proclamation. Under such circumstances, it is pertinent to note that, the prosecution has not placed any cogent and clinching evidence to bring home the guilt of the accused, as alleged that, "the accused had kidnapped the victim girl under the guise of love affairs and marriage and took her to house belonging to one Jayalakshmma and committed sexual assault on her", etc. Thus, as because no corroborative evidence against the accused is available, hence, the evidence of the official witnesses and the doctors evidence being circumstantial, which needs corroboration and therefore, it is held that, they do not come to the aid of the prosecution to convict the accused. Thus, the prosecution has failed to bring home the guilt of the accused beyond all reasonable doubt, by discharging the initial burden. Even, presumption under Secs.29 and 30 of POCSO Act, 2012 to be raised, does not arise.

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 5 are answered in the Negative.

15. As regards to the victim compensation, as the very victim girl/CW9 was not traced out inspite of issuance of proclamation, and as her parents [PWs-1 and 2] and her brother [PW3] turned hostile and did not support the prosecution case that, the accused has kidnapped the victim girl and committed sexual assault on the victim girl, hence, the victim girl is not entitled for any victim compensation, as provided under law.

16. POINT NO.6:- 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 Sec.6 of POCSO Act, 2012 and under Sec.376 of IPC and under Secs. 363, 344 and 506 of IPC.

His bail bond and surety bond stand cancelled.

MOs-1 to 4 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 April, 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	Hanumanthi	CW1	16.1s.2017
Pw.2	Somu @ Honnappa	CW11	16.12.2017
PW.3	Govind	CW12	16.12.2017
PW.4	Shivaraj	CW2	18.1.2018
PW.5	Parashuram	CW3	18.1.2018
PW.6	Prabhakar	CW5	18.1.2018
PW.7	Prathima	CW6	18.1.2018
PW.8	Lavanya	CW7	18.1.2018
PW.9	Ganesh	CW8	18.1.2018
PW.10	Dr.S.Harish	CW15	19.1.2018
PW.11	Dr.Jasmine Sarah Ibrahim	CW11	19.1.2018
PW.12	Muniyamma	CW14	6.3.2018
PW.13	Prabhakar Reddy.N	CW16	6.3.2018
PW.14	Sudhakar	CW4	6.3.2018
PW.15	Chethan	CW13	16.3.2018
PW.16	Punith Kumar	CW18	20.3.2018

Documents marked for the prosecution:

Ex.P1 Copy of the complaint

Ex.P1(a)	Signature of PW16
Ex.P2	Spot panchanama where from the victim girl/PW9 was kidnapped
Ex.P2(a)	Signature of PW4
Ex.P2(b)	Signature of PW5
Ex.P2(c)	Signature of PW16
Ex.P3	Spot panchanama where the alleged incident took place
Ex.P3(a)	Signature of PW15
Ex.P3(b)	Signature of PW16
Ex.P4	Marked portion of Statement of PW1 given

before the complainant police under Sec.161 of Cr.P.C Ex.P5 Age proof of the victim girl issued by Anganwadi, certifying the age of the victim girl as 15 years from the Records of Anganwadi Ex.P5(a) Signature of PW16 Ex.P6 Marked portion of Statement of PW2 given before the complainant police under Sec.161 of Cr.P.C Ex.P7 Marked portion of Statement of PW3 given before the complainant police under Sec.161 of Cr.P.C Ex.P8 Police Notices to PWs-4 and 5 to be as panchas Ex.P8(a) Signature of PW4 Ex.P8(b) Signature of PW5 Ex.P8(c) Signature of PW16 Ex.P8(d) Signature of PW16 Ex.P9 Report given by PW14 to the Investigating Officer of the complainant police station regarding tracing out the victim girl and the accused and producing them before the Investigating Officer of the complainant police station.

Ex.P9(a) Signature of PW14 Ex.P9(b) Signature of PW16 Ex.P10 Medical Report of the accused Ex.P10(a) Signature of PW10 Ex.P10(b) Signature of PW16 Ex.P11 Sample seal Ex.P11(a) Signature of PW10 Ex.P12 Invoice for having sent the articles to the FSL with reference to the accused Ex.P12(a) Signature of PW10 Ex.P13 Medical Report of CW9/victim girl Ex.P13(a) Signature of PW11 Ex.P13(b) Signature of PW16 Ex.P14 Marked portion of the statement of PW12 Ex.P14(a) Marked portion of the statement of PW12 Ex.P15 Report given by PW13 regarding collecting of the articles of the accused from M.S.Ramaiah Hospital and producing the same before the Investigating Officer of the complainant police station Ex.P15(a) Signature of PW13 Ex.P15(b) Signature of PW16 Ex.P16 Report given by PW13 regarding collecting of the articles of the victim girl from M.S.Ramaiah Hospital and producing the same before the Investigating Officer of the complainant police station Ex.P16(a) Signature of PW13 Ex.P16(b) Signature of PW16 Ex.P17 FIR Ex.P17(a) Signature of PW16 Ex.P18 Police Notices issued to PWs-15 and 12 to be as spot mahazar witnesses Ex.P18(a) Signature of PW16 Ex.P18(b) Signature of PW16 Ex.C1 Statement of CW9/victim girl recorded by the Learned Magistrate under Sec.164 of Cr.P.C Material Objects marked for the prosecution:

MO-1 One blue colour full sleeve shirt with label 'kick' MO-2 One blue colour banian of the accused MO-3 One blue colour jeans pant MO-4 Pubic hair Witness examined, documents and MOs marked for the accused: NIL [YADAV VANAMALA ANANDRAO] LIV ADDL., CITY CIVIL & SESSIONS JUDGE, [CCH:55] SITTING IN

CHILD FRIENDLY COURT, BENGALURU URBAN DISTRICT.

9.4.18 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 Sec.6 of POCSO Act, 2012 and under Sec.376 of IPC and under Secs. 363, 344 and 506 of IPC.

His bail bond and surety bond stand
cancelled.

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[YADAV VANAMALA ANANDRAO]

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