

IN THE SPECIAL COURT :: SONITPUR, TEZPUR:: ASSAM

PRESENT:- N. AKHTAR, AJS
Addl. Sessions Judge,
Sonitpur::Tezpur.

Special (POCSO) Case No. 32 of 2020.

U/s. 8 of

Protection of Children from Sexual Offences Act, 2012.

State of Assam

-Vs-

Abdul Mataleb

FOR THE PROSECUTION	:-	Mr. S.K.Moitra, Special PP.
FOR THE DEFENCE	:-	Mr. B. Borthakur, Advocate.
EVIDENCE RECORDED ON	:-	24.02.2021.
ARGUMENTS HEARD ON	:-	24.02.2021.
JUDGMENT DELIVERED ON	:-	24.02.2021.

JUDGMENT

1. The case of the prosecution in brief is that on 18.11.2020 at about 8 am, while the daughter of the informant was returning from her tuition, the accused suddenly, on the way home, with evil intention, indecently touched her on various parts of the body and ran away. Hence, the FIR was lodged.
2. Based on the said FIR, a case being Chariduar PS Case No. 169/2020 U/s 6 of the POCSO Act was registered and after completion of investigation, the accused was charge-sheeted.

3. On appearance of the accused person, copies of relevant documents were furnished to him in compliance of the provision of Sec.207 CrPC. Having heard both the sides and considered the materials on record, formal charge was framed against the accused u/s 8 of the POCSO Act, 2012 and had been read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
4. During trial, the prosecution has examined as many as 2 (Two) witnesses including the alleged victim girl. The defence adduced no evidence. At the end of the trial, the argument advanced by the learned counsel for both the sides were heard.

POINT FOR DETERMINATION

- *Whether the accused person on the alleged day and time of occurrence, sexually assaulted the alleged victim girl and thereby committed an offence punishable U/s 8 of the POCSO Act, 2012?*

DISCUSSIONS, DECISIONS AND REASON FOR DECISION

5. I have heard the arguments advanced by learned counsel for both the sides and also gone through the evidence on record.
6. PW1 (The victim girl) has stated in her evidence that she knows the accused who is her co-villager. The informant is her mother. On the alleged day of the incident, while she was coming back from the tuition, the accused suddenly appeared before her and tried to frighten her sportingly and she screamed out of fear. This was informed to her mother in a wrong way by some villagers and so, the FIR was lodged out of misunderstanding. She had further stated that she has no grievance against the accused as he did not do any foul act with her.
7. PW2 (Mrs. Bobita Boro Sarki) had also deposed that on the alleged day of the incident, her daughter was coming from her tuition while on the

way home, she was scared by the accused out of fun but some neighbors informed her that the accused had done some foul acts with her daughter and out of misunderstanding, she lodged the FIR which is Ext-1 and Ext-1 (1) is her signature. Later, her daughter told her the real story.

8. It thus, appears from the aforesaid evidence of the prosecutrix that the prosecutrix herself has not supported the case of the prosecution and her evidence clearly goes to show that the accused sportingly tried to scare her on the way and she screamed out of dear. It further appears that her mother was given some misinformation by some villagers based on which, she lodged the FIR. PW2 who is the informant had also given evidence in the same way and no implication was made against the accused. The alleged victim girl had further deposed that the accused did not do any foul act with her. Thus, apparently, there is not even an iota of incriminating material against the accused in order to fasten any criminal liability against him.
9. **In the result and for the reasons and discussions made herein above, I have no hesitation in my mind in holding that the prosecution has failed to prove the case against the accused. He is hence, not found guilty of any offence as charged and as such, acquitted of the same and set at liberty forthwith.**
10. Forward a copy of this judgment to the District Magistrate in compliance of Sec.365 CrPC.

Given under my hand and seal of this court on the 24th day of February/2021.

Typed and Corrected by me:

Addl. Sessions Judge,
Sonitpur:: Tezpur.

APPENDIX

PROSECUTION WITNESSES:

PW1 (The Victim Girl)

PW2 (Mrs. Bobita Boro Sarki)

PROSECUTION EXHIBITS:

Ext-1: FIR

DEFENCE WITNESSES:

None

DEFENCE EXHIBITS:

NIL.

Addl. Sessions Judge,
Sonitpur:: Tezpur.