

**In the Court of Special Judge POCSO Act,
Dhanbad**

**Present- Prabhakar Singh
Special Judge-POCSO Act
Dhanbad.**

Dhanbad, dated 14th day of July, 2023

District - Dhanbad

Spl. (POCSO) Case No.128/2022

**CNR – JHDH0100515-2022
Govindpur P.S. Case No.318/2022**

U/s 366 of I.P.C. and U/s 8 of POCSO Act

Complainant	State of Jharkhand through informant
Represented By	Sri Anil Kumar Singh, learned Special P. P.
Accused person	Babu Ansari @ Raja Ansari aged about 18 years S/o Shamim Ansari, R/o Shivpur, P.S. Govindpur, Dist. Dhanbad.
Represented By	Md. B. Ansari, Learned Advocate

J U D G M E N T

1. Accused Babu Ansari @ Raja Ansari is facing trial for the offences punishable U/s 366 of I.P.C. and U/s 8 of POCSO Act.
2. The case of prosecution as stated in written report of informant

namely Badaruddin Ansari is that on 02.09.2022 her minor daughter aged about 16 years went to her Mama's house. After that she went to Panchyat Bhawan for walking. In the meantime accused Babu Ansari @ Raja Ansari took away the victim girl on motorcycle. Thereafter FIR was lodged and criminal law was set at motion.

3. Accordingly, the present case was registered as Govinpur P.S. Case No. 318/2022 dated 03.09.2022 corresponding to Spl. POCSO Case No. 128/2022 for the offences u/s 366-A of I. P. C and U/s 12 of POCSO Act against the accused person Babu Ansari @ Raja Ansari.

4. On completion of investigation charge sheet was submitted against accused person Babu Ansari @ Raja Ansari U/s 366-A of I. P. C and U/s 12 of POCSO Act

5. On 05.12.2022 cognizance was taken against accused person Babu Ansari @ Raja Ansari U/s 366 of I. P. C. and u/s 6 of POCSO Act

6. Charge was framed against accused person namely Babu Ansari @ Raja Ansari U/s 366 of I.P.C. and U/s 8 of POCSO Act. to which he denied charges, pleaded not guilty and claimed to be tried.

7. In order to substantiate the charges against the accused person Babu Ansari @ Raja Ansari , prosecution has examined following two witnesses.

Rank	Name	Nature of Evidence
P.W.1	Victim girl aged about 19 years	Eye Witness
P.W.2	Badrudin Ansari father of victim girl	Informant

8. List of prosecution Exhibit

A. Prosecution

Sl. No.	Exhibit Number	Description
1.	Ext. P.1/ PW.1	Statement U/s 164 of Cr.P.C.
2.	Ext. P.2/ P.W.2	Written report.

9. From the side of defence no witness has been examined.

10. Arguments were heard from both sides.

11. The point for determination is whether prosecution has been able to prove the charges against accused Babu Ansari @ Raja Ansari beyond all reasonable doubts or not?

FINDINGS

12. P.W 1 victim girl in her examination in chief has stated that on 02.09.2022 she went to her Mama house at Bariotola. Babu Ansari also arrived there. He dropped her from his motorcycle to the house of her sister at Murgabani. On 02.09.2022 she went on motorcycle of Babu Ansari and her family members presumed that she eloped with Babu Ansari and this case was filed. Babu Ansari @ Raja Ansari has not done any thing with her. Her statement was recorded before Magistrate and she marked her signature over that statement. On

identification of the victim her statement U/s 164 of Cr.P.C. has been marked as Ext. P.1 by P.W.1. She has married with Babu Ansari @ Raja Ansari. Witness has identified accused Babu Ansari @ Raja Ansari. In her cross-examination victim has stated that Babu Ansari @ Raja Ansari did not take away her. He has dropped her to the house of her sister on her request. She has no complain with accused Babu Ansari @ Raja Ansari.

13. P.W 2 Badruddin Anari informant of this case and father of victim girl in his examination in chief has stated that on 02.09.2022 he was in his house and his daughter went for walk to Panchayat Bhawan and Babu Ansari @ Raja Ansari took her away. He has complained this matter in Govindpur Police Station. His application was written by Mukhiya Rajesh and he marked his signature over that application. On identification of the informant written application has been marked as Ext.P.2/P.W.2. His daughter returned after four to five days. Witness has identified accused Babu Ansari @ Raja Ansari . In his cross-examination witness has said that marriage of his daughter is now solemnized with Babu Ansari @ Raja Ansari and both are living together. He has no complain with accused Babu Ansari @ Raja Ansari and he does not want to proceed further in this case.

14. On perusal of entire prosecution case and evidences brought on record I find that victim girl and her father have not supported the alleged case of prosecution against accused Babu Ansari @ Raja

Ansari @ Akhlaq Ansari. There is no evidence to prove the charges against him. As victim herself is not supporting his case I find that prosecution case against accused person remained doubtful, therefore benefit of doubt is given to accused person Babu Ansari @ Raja Ansari. He is acquitted from the charges U/s 366 of I.P.C. and U/s 8 of POCSO Act. He is also relieved from all liabilities of his bail bond.

Office will deposit the record in record room

(Dictated and corrected by me).

Sd/-

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(Prabhakar Singh)
Special Judge-POCSO Act
J.O. Code JH0469
Dhanbad.

(Prabhakar Singh)
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Dated 14th day of July, 2023