



Form A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE -CUM- JUDGE, SPECIAL COURT UNDER POCSO ACT, KHATRA, BANKURA Present : Sri Dilip Kumar Das Additional Sessions Judge, Khatra, Bankura. J.O. Code- WB00638 <u>Special Case No :07 of 2023</u> <u>REG NO. 07 of 2023</u> CNR no. WBBK09000165 2023 Date of Delivery of Judgment: Khatra, the 22nd day of May, 2026 In reference to the Hirbandh PS Case No.35 of 2023, dated 10.05.2023 Under Sections 376(2)(n) of the Indian Penal Code and Under Section 6 of the POCSO Act.	
Prosecution	State of West Bengal
Represented by	Shri Jayanta Patra : Ld. Special Public Prosecutor
Accused Person	Accused Narayan Singh Sardar
Represented by	Sri Ajay Kumar Panda: Learned Advocate for the accused.

Date of Offence	Since December, 2019
Date of FIR	10-05-2023
Date of charge-sheet	30-06-2023
Date of Framing of Charges	28-07-2023
Date of commencement of evidence	04-08-2023
Date on which Judgement is reserved	N.A.
Date of the Judgement	22-05-2026
Date of the sentencing order, if any.	Not applicable



ACCUSED DETAILS:

Rank of the accused	Name of accused	Date of arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Narayan Singh Sardar, S/o- Ajit Singh Sardar, Vill- Hullung, P.S-Manbazar, Dist-Purulia.	11-05-2023	11-08-2023	376(2)(n) of the Indian Penal Code and Under Section 6 of the POCSO Act.	Acquitted	N.A.	N.A.

LIST OF PROSECUTION WITNESSES

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
PW-1	Victim girl	Eye Witness
PW-2	Mother of the victim	De facto complainant
PW-3	Father of the victim	Other Witness
PW-4	Rinku Sardar	Other Witness
PW-5	Manik Chandra Kundu	Seizure Witness
PW-6	Janardan Halder	Seizure Witness
PW-7	Dr. Sadhana Murmu	Medical Witness
PW-8	Barnali Sarkar	Police Witness
PW-9	Samarendra Mandal	Seizure Witness

LIST OF PROSECUTION EXHIBITS

A. Prosecution:

Sr. no.	Exhibit Number	Description
1.	Exbt.P-1	Signature of PW-1 on the certificate recorded statement U/S- 164 of the Cr.P.C.
2.	Exhbt. P-2	Signature of PW-1 on the medical examination



		report dated 11.05.2023.
3.	P-X for identification	One micro SD card containing audio video recording of statement recorded u/s 164 of Cr.P.C.
4.	Exbt.P-3	Signature of PW-2 on the written complaint.
5.	Exbt.-P-3(1)/PW-2	Whole written complaint.
6.	Exbt. P -4	Signature of PW-2 on the formal FIR.
7.	P-X(1) for identification	Thumb impression of PW-2 on the medical examination report dated 11.05.2023.
8.	Exbt. P-5	Signature of PW-2 on the seizure list prepared in between 17.35 hrs. to 17.45 hrs. on 11.05.2023.
9.	Exbt. P-6	Signature of PW-2 on the zimmanama dated 11.05.2023.
10.	P-X(2) of identification	Admit card of the V.G.
11.	Exbt. P-5(1)	Signature of PW-5 on the seizure list dated 11.05.2023.
12.	Exbt. P-7	Signature of PW-6 on the seizure list prepared in between 12.25 hrs. to 12.35 hrs. on 31.05.2023.
13.	Exbt. P-8	Signature of PW-6 on the zimmanama dated-31.05.2023.
14.	Exbt. P-9/PW-6	The certified copy of Admission Register of Guniada High School (H.S.) of the victim.
15.	Exbt. P-2(1)/PW-7	The medico-legal examination report of the victim, dated-11.05.2023.
16.	Exbt. P-10	Signature of PW-9 on the seizure list prepared in between 10.25 hrs. to 10.35 hrs. on 23.06.2023.
17.	Exbt. P-11	Signature of the PW-9 on the zimmanama dated-23.06.2023.
18.	Exbt. P-12/PW-9	Certified copy of the Admission Register of Chatanibaid Prathamik Vidyalaya.
19.	Exbt. P-1(1)	The statement recorded u/s 164 of the Cr.P.C. of the victim made by the Ld. Judicial Magistrate, Khatra.



B. Material Objects:

Sr. no.	Material Object Number	Description
1.	Nil	Not applicable

J U D G E M E N T

01. The briefly stated prosecution case is that the de facto complainant of the case lodged a written complaint to the Officer-in-Charge of the Hirbandh P.S. on 10.05.2023 stating inter-alia that she came to learn from her second daughter that when she was a student of class-IX the accused Narayan Singh Sardar established a relation of love with her when she was a minor and taking the undue advantage of her minority he had multiple physical relations with the victim. Prior to the lodging of this complaint they could not know anything. Now, they came to learn from the victim that in the year 2019 when she was a minor then the accused came to their village and established physical relation with her. In the month of May, 2023 he also had physical relation with the victim as a result of it the victim became pregnant and then told the family members of the accused for marriage of the victim with the accused but he did not agree to marry her. Moreover, the accused and his family members had driven out the de facto complainant and her family members from their residence. Now, the victim has been suffering seriously and she has been planning to commit suicide as it is not possible for him to come out of the residence and to face the local people. In this situation, finding no other alternative, the de facto complainant decided to bring the matter to the knowledge of the local PS against the accused and accordingly she lodged the instant complaint.

02. On lodging the complaint the de facto complainant, the mother of the victim prayed to the Officer-in-Charge of the Hirbandh PS



for taking appropriate action against the accused Narayan Singh Sardar in accordance with law.

03. Receiving the complaint, the Officer-in-Charge of the Hirbandh P.S. registered a Specific Case being the Hirbandh P.S. Case No. 35 of 2023, dated 10.05.2023 Under Section 376(2)(n) of the Indian Penal Code and Under Section 6 of the POCSO Act.

04. The Officer-in-charge of the Hirbandh PS endorsed S.I. Amit Kumar Pal of the case for investigation of the case. The said Investigating Officer then and then started investigation and on completion of investigation, he submitted charge-sheet against the accused Narayan Singh Sardar of this case being the Hirbandh PS charge sheet no. 35 of 2023 dated 30.06.2023 Under section 376(2)(n) of the Indian Penal Code and Under Section 6 of the POCSO Act.

05. After receiving the charge sheet, this court took cognizance of the above stated offences on 10.07.2023 against the accused Narayan Singh Sardar.

06. Then, charges were framed against the accused Narayan Singh Sardar Under Section 376(2)(n) of the Indian Penal Code and Under Section 6 of the POCSO Act.

07. The charges so framed were read over and explained to the accused in Bengali to which he pleaded not guilty by saying 'Ami Nirdosh' and claimed to be tried.

08. The Court framed different schedules from time to time by fixing different dates for examination of the prosecution witnesses for recording their evidences.

09. Out of fourteen Charge sheeted Witnesses the prosecution examined nine Witnesses and then they declared that they would not be able to examine any other witness. Accordingly the recording of the evidence of the prosecution was closed and the accused Narayan Singh Sardar was examined Under Section 313 of the Cr. P.C. to which he pleaded his innocence by stating that he did not commit any offence and he has been falsely implicated in this case and prayed for acquittal.

10. The accused was given liberty to adduce evidence in



support of his defence, but he declined to adduce any evidence on behalf of him. He also did not file any document on behalf of him.

11. The case was then fixed for hearing of argument of both sides and after completion of argument of the respective parties, the case was fixed for delivery of judgment.

POINTS FOR CONSIDERATION

The points before this Court is :

(i) whether the prosecution has been able to prove the guilt of the accused Narayan Singh Sardar for alleged commission of offences Under Section 376(2)(n) of the Indian Penal Code or not !

(ii) whether the prosecution has been able to prove the guilt of the accused Narayan Singh Sardar for alleged commission of offences under Section and Under Section 6 of the POCSO Act or not in view of the evidences available before the court !

DECISION WITH REASONS

12.00. In order to draw a definite conclusion about the ultimate fate of the prosecution case, we have to carefully scan the evidences available before this Court. The defence neither examined any witness on their behalf nor they filed any document on behalf of them.

12.01. On careful scrutiny of the evidence it is seen that the PW-1 is the Victim Girl of this case. She in her examination-in-chief states before the court that she had love affairs with the accused Narayan Singh Sardar and she became pregnant by him but he refused to marry her and due to that reason her mother filed the written complaint against him. The victim also states that the accused impregnated her on the last month of Maagh of the Year 2023. She also states that she made her statement before the Ld. Judicial Magistrate, Khatra about the incident and that statement was recorded by the Ld.



Magistrate U/S 164 of the Cr.P.C. She put her signature on the said statement admitting the correctness of the recording by the Ld. Magistrate and her signature on the said statement is marked as Exbt. P-1. The victim also states that after the incident she went to the Khatra Sub-Divisional Hospital and the attending doctor examined her and prepared one medical examination report. She signed the said report and her signature on the said medical examination report is marked as Exbt. P-2. The victim further states in her examination in chief that she had love affairs with Narayan Singh Sardar since her study in class-IX and at that time she was 13 years old. So, in her examination in chief the PW-1, the victim herein, states the background of the case before the court.

12.02. On perusal of the evidence of the PW-1 it is seen that the prosecution felt that the victim was not supporting their case and so that the prosecution declared her hostile and prayed for permission for her cross-examination. The court accordingly permitted the prosecution to cross-examine and with the said permission of the court Ld. Special PP cross-examined the victim at length.

12.03. It is seen that the victim in her cross-examination by the Ld. Special PP states before the court that it is not possible for her to recollect as to whether she stated to the police or not that when she was studying in class-IX, at that time the accused used to come to the forest nearer to her house for meeting her and at that time the accused entered into sexual relation with her forcibly. She also fails to recollect whether she stated to the police or not that the accused entered into physical relation with her several times when she was minor. It is very peculiar that the victim in her cross-examination by the prosecution states before the court that she fails to recollect whether she stated to the IO or not that due to the accused Narayan Singh Sardar she was pregnant for four months. She also fails to recollect whether she stated to the police or not that in the month of December in the year 2018 the accused entered into physical relation with her in a paddy field nearer to her house and after that the accused entered into physical relation



with her in Chatanibaidh Forest. She also fails to say what she stated to the Ld. Judicial Magistrate, Khatra at the time of making her statement to the Ld. Magistrate. So, the cross-examination of the victim by the prosecution reveals that she is not at all specific in her evidence against the accused regarding the alleged commission of offence by him.

12.04. On the other hand, in her cross-examination by the defence the victim failed to give any believable and probable answer regarding the allegation of commission of offence by the accused against her. In other words, the cross-examination of the victim by the Ld. Defence Counsel provides no incriminating material against the accused of this case.

12.05. On the other hand, the PW-2 is the de facto complainant of this case and she in her examination in chief states before the court that at the time of the incident the victim was a student of class-IX at Guniada High School and at that time the victim was in love affair with the accused. She also states that the victim told her that she was impregnated by the accused and then the PW-2 went to the house of the accused and stated to his family members about the incident but they drove out her from their residence and then she lodged the complaint to the Hirbandh PS. So, in her examination in chief the PW-2 tries to state before the court that the victim was in love affair with the accused and out of that the victim became pregnant by the accused but he refused to marry the victim and consequently she lodged the complaint against the accused. But in her cross-examination the PW-02 states before the court that at present she cannot say the contents of the written complaint and the date of birth of the victim mentioned in the Admit card is not as per their instruction. So, as per the evidence of PW-2 the exact date of birth of the victim is not clear before the court.

12.06. The PW-3 is the father of the victim and in his examination in chief he states that the victim was in relation with the accused Narayan Singh Sardar and the complaint of this case was filed to the Hirbandh PS by his wife. He also says that the IO did not



examine him. Considering his examination in chief the prosecution declared him hostile and with the permission of the court he was cross-examined. But no convincing incriminating material could be obtained from the mouth of the PW-3.

12.07. Like PW-3 the PW-4 who is the daughter of the de facto complainant states in her examination in chief that at the time of the incident the victim was 17 years old and she had a relation with the accused prior to the incident of this case. But in her cross-examination the PW-4 states that she did not say the age of the victim to anyone else previously and she disclosed the age of the victim to this court for the first time at the time of his deposition before the court.

12.08. It is further seen that the PW-4 at the time of her cross-examination by the prosecution states that she told the IO that the victim herself informed her and to her mother that she became pregnant by the accused. So, it is seen that there are some anomalies in the statements of the PW-4 in her cross-examination by the Ld. Special PP and in her cross-examination by the Ld. Defence Counsel. At the same time the exact date of birth or age of the victim is also not clear from the evidence of the PW-4.

12.09. On the other hand, PW-5 is a seizure witness and he in his examination in chief states that he does not know the fact of the case. But he signed the seizure list dated 11.05.2023 showing the seizure of the original Admit Card and one OPD ticket of the victim. His signature on the said seizure list dated 11.05.2023 is marked as Exbt. P-5(1). He also states that he signed the seizure list as per the instruction of the IO of the case. He provides no other material which may help the prosecution case before this court.

12.10. The PW-6 Sri Janardan Halder is the Head Master of the Guniada High School who came to depose before the court with the admission register of class-V of their school in connection with the victim of the case. The IO seized the said admission register by preparing a seizure list in between 12.25 hrs to 12.35 hrs on 31.05.2023 and his said signature on the seizure list is marked as Exbt. P-7. The



admission register was subsequently given zimma to PW-6 by virtue of a zimmanama and he signed the said zimmanama. His signature on the said zimmanama is marked as Exbt. P-8.

12.11. On the other hand, PW-7 Dr. Sadhana Murmu is the Medical Officer who examined the victim at the Khatra Sub-Divisional Hospital on 11.05.2023. She states that as per the statement of the victim she was in relation with the accused Narayan Singh Sardar for the last six years i.e. since 2018. She did not find any external injury in the private parts of the victim. The medico-legal examination report of the victim prepared by PW-7 is marked as Exbt. P-2(1)/PW-7. The PW-7 at the time of her cross-examination by the Ld. Defence Counsel admits that there was no allegation of sexual assault so that the space provided for allegation of sexual assault remains blank. So, from the examination in chief and also from the cross-examination of the PW-7 it is evident that there is no sign of forceful sexual assault upon the victim.

12.12. PW-8 Barnali Sarkar who recorded the statement of the victim on 12.05.2023 under Section 161 of the Cr.P.C. She also states that the victim told her that during her minority the accused several times entered into physical relation with her. The victim also told her that on the date of recording her statement she was pregnant of four months by the accused person. At the time of the cross-examination Ld. Defence Counsel raises the legal issue regarding the manner of proper recording of the statement of the victim in accordance with law. The PW-8 states nothing more in this case.

12.13. On the other hand, PW-9 Samarendra Mandal is the Head Teacher of the Chatanibaidh Prathamik Vidyalaya under the PS Hirbandh. He in his examination in chief states that on 23.06.2023 police seized the admission register of class-I of their school in connection with the address of the victim of this case by preparing a seizure list and the said register was given zimma to him on that day. he signed the said zimmanama and his signature on the said zimmanama dated 23.06.2023 is marked as Exbt. P-11 and the original admission register of the said school of the PW-9 is marked as Exbt. P-



12/PW-9. On the face of the cross-examination the PW-9 admits that there is no note in the admission register as to the source of the date of birth of the victim. In other words, he admits that there is no specific note on the admission register of the victim as to the fact wherefrom the said date of birth i.e. 02.02.2005 was obtained. So, the authenticity of the date of birth of the victim cannot be said to be conclusively proved.

13.00. Ld. Special PP argued in support of the prosecution case mentioning inter alia that the prosecution has been able to examine most of the charge-sheeted witnesses and they became successful in proving the guilt of the accused before the court with the materials of the case record.

13.01. The prosecution also argued that most of the witnesses examined on behalf of the prosecution provided direct incriminating materials against the accused. According to the argument of the prosecution they have brought direct incriminating material before the court both oral as well as documentary and by virtue of those evidences the prosecution has been able to establish their case against the accused.

13.02. The prosecution also argues that the independent witnesses as well as the government witnesses adduced before the court by supporting the allegation of the prosecution and the entire material before the court proves that the allegation against the accused is established in the eye of law and so that the accused Narayan Singh Sardar should be held guilty and he should be convicted accordingly for the commission of the offences for which charges were framed against him.

14.00. On the other hand, Ld. Defence counsel argues that the prosecution case suffers from strong incriminating materials for proving the allegation against the accused of this case.

14.01. Ld. Defence Counsel argues that out of fourteen charge-sheeted witnesses the prosecution was able to examine nine witnesses and it is best known to the prosecution why they failed to examine the remaining witnesses before the court including the



Investigating Officer of this case.

14.02. Ld. Defence Counsel also argues that the evidences of the above stated nine charge-sheeted witnesses are not free from doubt and contradictions. It is also argued that the prosecution failed to examine even the IO of this case which is a very glaring lacuna on the part of the prosecution and it leaves doubt in the mind of the court about alleged incident of the case.

14.03. At the time of his argument Ld. Defence Counsel advanced before the court though the Medical Officer of this case was examined dock but those evidences failed to establish any forceful sexual intercourse between the victim and the accused. The Medical Officer did not find any mark of sexual injury or any other thing like this and the allegation of sexual assault to the victim practically is not free from doubt at all.

14.04. Ld. Advocate for the accused emphatically argued that 9 (nine) witnesses who are examined on behalf of the prosecution failed to provide strongly believable incriminating material against the accused of this case. In other words, those evidences are not very strong and reliable enough for holding the accused guilty in a sessions case like this.

14.05. At the time of his argument, Ld. Defence Counsel advances before the court that the case of the prosecution suffers from serious insufficiency of trustworthy incriminating materials against the accused for holding him guilty in the eye of law.

14.06. It is also argued that there is no eye-witness in the instant case and all the evidences of the witnesses examined on dock are hearsay evidences. Ld. Defence counsel strongly submits that there is no direct incriminating material and the exact age of the victim could not be proved before the court with convincing and undoubtful written evidence and the fact is that the age of the victim was above eighteen years at the time of the incident.

14.07. Ld. Defence Counsel ultimately argued before the court that in the eye of law there is no believable incriminating material in



the case record against the accused at all and so that, the prosecution case cannot be said to be proved beyond all reasonable doubt. In view of the materials available before the court, Ld. Defence Counsel strongly argued that the prosecution case fails and so that the accused should be held not guilty and he should be acquitted accordingly.

15.00. On further scrutiny of the case record it is found that the IO cited as many as 14 witnesses in his charge-sheet before the court, but the prosecution was able to examine the aforementioned 9 witnesses including the most vital witnesses like the victim herself, her father, her mother, her brother, her sister etc. The said witnesses accordingly stated many things to the IO during investigation against the accused. At the same time they also adduced against the accused before this court by labelling allegation and provided some materials against him. But on judicial Scrutiny it can not be said that those materials against the accused conclusively prove the guilt of the accused as per the allegation of the prosecution.

15.01. The prosecution witnesses deposed before the court in support of the prosecution, but they failed to maintain exact parity of their statements before this court at the time of their cross examination by the defence. In other words, there are some inconsistencies in both the examination in chief and cross-examination of the witnesses who are examined on dock on behalf of the prosecution.

15.02. On further scrutiny of the record, it is seen that the PW-1, is the victim herself of this case and she states before the court in her examination in chief that she had love affair with the accused and the accused refused to marry her and so that her mother lodged complaint against the accused. She herself also admits that she is unable to recollect what she stated to the IO regarding her physical relation with the accused. She also failed to recollect what she stated to the Ld. Judicial Magistrate, Khatra. So, there are some doubts regarding the evidence of the PW-1, the victim herself of this case and it practically goes against the prosecution.

15.03. The PW-2 though is the de facto complainant of this



case, but in her cross-examination she failed to say the contents of the written complaint she filed before the Hirbandh PS. She also admits that at the time of the incident her victim daughter was a major. So, it is before a very big question mark as to the facts whether the alleged offence was committed by the accused against a minor girl or a major girl. In other words, it cannot be clearly held that the accused committed offences under the POCSO Act. She also admits that the date of birth of the victim mentioned in her Madhyamik Pariksha Admit Card is not as per their instruction.

15.04. PW-3 and PW-4 turned hostile and no fruitful and believable incriminating materials could be obtained from their mouths.

15.05. PW-5 categorically stated that he does not know the fact of the case. He is only a seizure witness and he signed the seizure list as per the instruction of the IO of this case. He also fails to say the contents of the seizure list for which the said list was prepared.

15.06. On the other hand, PW-6 is an independent witness who produced the Admission Register of the victim for showing the exact date of birth of the victim and in his cross-examination he admits that on the basis of the transfer certificate of the victim the school has noted the date of birth in the admission register as 02.02.2005. He also admits that there is no column in the admission register for mentioning the name of the school from where the victim came and got admitted to their school. So, as per the cross-examination of the PW-6 the exact date of birth of the victim practically cannot be said to be conclusively proved.

15.07. PW-7 is the Medical Officer who examined the victim medico-legally and only stated that the victim stated to her that she had love affair with the victim but the victim did not make any allegation of forceful sexual intercourse with her. She also did not find any mark of external and / or internal injury upon the body of the victim and the victim herself also did not make any allegation that the accused assaulted her sexually in any way against her will. On the other hand, the age of the victim practically remains doubtful before the court and



so that it cannot be firmly held that if there be any sexual relation between the victim and the accused then that relation was with a minor girl. In other words, the minority of the victim is not beyond doubt in view of the facts, circumstances and evidences of the prosecution.

15.08. On the other hand, PW-8 is the Lady Police Officer who recorded the statement of the victim under Section 161 of the Cr.P.C. and she only says that the victim told her that at the time of the incident the victim was a student of class-IX and she told that accused called the victim to meet him at the nearby forest situated nearer to her residence and at that time the accused committed sexual relation with her forcefully. On the other hand, it is seen that there is no immediate allegation of the victim against the accused after the alleged incident of sexual assault upon her in the said forest. There is also no evidence that at the time of the alleged incident the victim make any shouting any told the nearby people about the forceful sexual relation with her by the accused. On the other hand, the exact age of the victim at the time of that alleged incident also could not be established before the court by the prosecution with concrete and convincing evidence.

15.09. On the other hand, PW-9 is also the Head Master of the school namely, Chatanibaidh Prathamik Vidyalaya where the victim got her admitted first time in her life and the said admission register was seized by the IO. There is a column for recording the date of birth of the students but there is no column as to the recording the source of the said date of birth of a student. The confusion regarding the date of birth of the victim starts right from this point and it practically remained undecided ultimately in the mind of the court as the prosecution could not wipe out this doubt from the mind of the court with strongly believable evidences.

15.10. It is found that the prosecution fails to bring the IO before this court for recording his evidence and it practically hits the prosecution case to a greater extent. Many information regarding the entire fact of this case could be obtained from the IO if he could be brought on dock during recording of evidence of the witnesses of the



prosecution. This practically goes against the prosecution.

16.00. As per the the above discussion, this Court finds that there are so many lacunae in the prosecution case. No eye witness could be examined on dock before the Court. No forensic report also could not be brought before the Court by prosecution and this is a very vital lacunae on the part of the prosecution. A sufficient number of witnesses as stated above are examined on dock and some articles were seized, but those articles were not produced before the court on behalf of the prosecution at the time of trial.

16.01. On the other hand, the seizures and evidences of those witnesses are not very convincing before this Court in the eye of law. It is also seen that a very glaring defect of the prosecution case is that the mother of the victim stated before the court that the victim was a major at the time of the incident. So, it cannot be held that the alleged offence was committed by the accused against the victim when she was a minor.

16.02. Moreover, the medical evidences are not free from contradictions and those evidences can not be said to be able to prove the minority of the victim conclusively. Therefore, from the above discussion it is evident that the age of the victim can not be held to be below eighteen years i.e. it can not be safely held that the victim was really a minor at the time of the alleged incident involved in this case.

16.03. It is the established principle of administration of Criminal Justice that the prosecution is to prove the guilt of the accused before the court with cogent and convincing evidences beyond all reasonable doubts. The principle is even the slightest confusion in the mind of the court about the allegation seriously damages the prosecution case before a court of law. In the instant case which is under consideration, this Court is of the view that the evidences of the prosecution cannot be considered to be very cogent, convincing and beyond reasonable doubt. It means that the evidences which could be brought before the court on behalf of the prosecution are not up to the judicial satisfaction of the Court for holding the accused guilty in this case. In other words, the prosecution case suffers from reasonable doubt



about the allegation against the accused and he is accordingly entitled to the benefit of that doubt in the eye of law.

16.04. In view of the above facts and circumstances of the case, materials on record and arguments advanced on behalf of the respective parties, spirit of the above provisions of laws under which trial of this case is being conducted, this Court finds no other option, but to hold that the prosecution fails to prove the guilt of the accused before this court in the eye of law. Accordingly, the accused is entitled to an order of acquittal.

Hence, it is,

ORDERED,

that the accused namely, Narayan Singh Sardar is held not guilty of the offences punishable Under Section 6 of the POCSO Act.

The accused Narayan Singh Sardar is also held not guilty of commission of offence Under Section 376(2)(n) of the Indian Penal Code.

As such, he is acquitted of the said charges under Section 235(1) of the Cr.PC.

The accused be set at liberty by discharging him from his bail bonds at once.

Seized alamats be confiscated to the State after the expiry of the period of appeal.

Dictated & corrected by me

A.S.J.
Khatra , Bankura

Additional Sessions Judge,
-Cum-
Judge, Special Court,
(Under the POCSO Act.)
Khatra , Bankura
J.O. Code- WB00638