

Annexure - I

In the Court of the Exclusive Special Judge (POCSO), Gumla Present : SHRI SANJEEV BHATIA, Exclusive Special Judge (POCSO), Gumla. District – Gumla State - Jharkhand CNR No. JHGM0100-1618-2022 POCSO Case No. 33 of 2022 State v/s Sudhir Prasad Sahu @ Sudhir Sahu		
<u>DETAILS OF ACCUSED</u>		
A1.	Sudhir Prasad Sahu @ Sudhir Sahu aged 27 years S/o Binod Prasad Sahu, village Bargaon Rabtoli, P.S Sisai, District Gumla.	
Ld. Advocates	For the State Sri Sudhir Toppo Ld. APP	
	For Accused Person Advocate Sri N.K. Ohdar	

Annexure - II

Date(s) of Offence	From 18.02.2022 to 19.02.2022
FIR Details	Dumri FIR no. 24 of 2022 dated 22.02.2022 u/s 363, 366, 376(D), 376(A) I.P.C.
Date of Arrest	A1 arrested on 07.03.2022
Charge sheet Details	No. 58 of 2022 u/s 363, 366(A), 376(D) of I.P.C. & u/s 4, 6 Pocso Act. Dated 02.05.2022
Cognizance Details	Dated 05.05.2022 u/s 363, 366(A), 376(D) of I.P.C. & u/s 4 & 06 Pocso Act.
Date(s) of Supply of Police Paper	17.05.2022
Charges Details	On date 04.06.2022 u/s 363/34, 366(A)/34, 376(DA) of I.P.C. & u/s 4 & 06 Pocso Act.
Details of Prosecution Evidence	PW's Examined & re-examined from 22.06.2022 to 17.07.2026
Statement u/s 313 Cr.PC	24.07.2026
Details of Defence Evidence	None
Arguments Concluded	10.08.2026
Date on Judgment is reserved	10.08.2026
Date of Judgment	20.08.2026 Acquitted

Accused Details:

No.	Name of	Date of arrest	Date(s) of Released on Bail	Offences Charged
A1	Sudhir Prasad Sahu @ Sudhir Sahu	07.03.2022	24.11.2022	u/s 363/34, 366(A)/34, 376(DA) of I.P.C. & u/s 4 & 06 Pocso Act.

Dated 20.08.2026

Exclusive Special Judge (POCSO), GUMLA
P.O ID JH5001

Annexure - III

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses:

Rank	Name	Nature of Witness	Date of Examination & Re-examination
PW-1	Miss X	Victim	13.07.2022
PW-2	Sumitra Devi	Other witnesses	Do
PW-3	Karamchand Oraon	Other witnesses	04.08.2022
PW-4	Anjali Toppo	Police witnesses	(unsigned by Previous P.O) 03.09.2022, therefore examined again on 19.08.2025
PW-5	Indramain Sahu	Other witnesses	08.05.2024

B. Defence Witnesses : None

DOCUMENTARY EVIDENCES

A. Prosecution:

Sr. No.	Exhibit Number	Description	With or Without Objection	Date of admission
1.	Ext.-P-1/ PW-1	Signature of victim on written application	Without objection	13.07.2022
2.	Ext.-P-2/ PW-1	Signature of PW-1 on statement u/s 164 cr.p.c.	Do	Do
3.	Ext.-P-3/ PW-1	Signature of PW-1 on Seizure list of panty	Do	Do
4.	Ext.-P-4/u/s 294 cr.p.c.	Medical report of the victim	Do	30.08.2022
5.	Ext.-P-1/1/ PW-4	Endorsement on the fardbeyan	Do	03.09.2022

6.	Ext.-P-5/ PW-4	Formal FIR	Do	do
7.	Ext.-P-3/1/ PW-4	Entire seizure list	Without objection	do
8.	Ext.-P-6/W-4	Kishore memo	Do	Do
9.	Ext.-P-7/ PW-4	Memo of arrest of Angad Sao	Do	do
10.	Ext.-P-8/ PW-4	Confessional statement of Deepak Sahu	Do	Do
11.	Ext.-P-9/ PW-4	Confessional Statement of Angad Sao	Do	Do
12.	Ext.-P-10/ PW-4	Seizure list of motorcycle	Do	Do
13.	Ext.-P-11/ PW-4	Memo of arrest of Sudhir Sahu	Do	Do
14.	Ext.-P-12/ PW-4	Seizure list of TVS Motorcycle	Do	Do
15.	Ext.-P-13/ PW-5	S.No. 54 of Admission register	Do	08.05.2024
16.	Ext.-P-14/ PW-5	Birth certificate issued by the school	Do	do
17.	Ext.-P- 15/293 cr.p.c.	SFSL report no. 911 of 2022 dated 22.04.2024	Do	do

Material Object : None

B. Defence: None

Present : Accused Sudhir Prasad Sahu on bail with his counsel in the court. And Ld. APP for the State.

No person or Legal Person/s (except Copying agency of Gumla Judgeship that too after redacting identity of victim etc) shall cause to disseminate or publish this judgment or its content, in any manner or any where and shall no do any act which has the effect of disclosing identity of the victim or the accused.

PRONOUNCED IN OPEN COURT

J U D G M E N T

Prosecution Case

1. It was alleged by victim that accused Sudhir fostered friendship and enticed her to have intercourse with him and after having intercourse with her, invited his friend Deepak and deepak took her to various places where he too has sexual intercourse with the victim time and again.
2. Needless to reiterate how the case was initiated and accused arrested and how the trial commenced etc, as everything is mentioned in the opening sheet **Annexure II.**, the same is not reiterated for brevity.
3. In order to prove their case beyond reasonable doubts for the charges against the accused the **Prosecution examined 5 PW's which have deposed in their examination in chief and Cross Examination that**

PW-1 is the victim of the case and deposed that she has no idea about the date of incident. **No incident occurred with her.** She had gone to meet her friend. The police obtained her signatures on the written complaint which his exhibited as Exhibit P-1/PW-1. The police brought her for her statement u/s 164 which bears her signature and the same is exhibited as Exhibit P-2/PW-1. The police took her to sadar hospital for medical examination where she gave her clothes and the medical examination report bears her signature and the same is exhibited as Exhibit P-3/PW-1. The police did not record her statement.

The victim was declared hostile by the prosecution and decline every suggestion of the Ld. APP. And

Did not identify the accused.

In Cross Examination: she admitted that both the accused did nothing wrong with the victim. She gave statement in the court as per police.

PW-2 is victim's mother and deposed that the victim has gone with her friends and after her return did not disclose anything. She has no knowledge about the incident. **She was declared hostile by the prosecution and decline every suggestion of the Ld. APP.**

In cross-examination: **it has come out that she has no idea about age of the victim.**

PW-3 is resiling witness and feigned ignorance about the incident and was declared hostile, his testimony is irrelevant.

PW-4 is I.O of the case and deposed that on date 22.02.2022 he took charge of investigation of this FIR no. 24 of 2022 from then I/c who did forwarding and pagination on the written complaint which is exhibited as Exhibit P-1/1 /PW-4. The FIR was exhibited as Exhibit P-5/PW-4. The seizure list of the clothes seized from the victim was done by police Sunit whose signature and handwriting he identified and the seizure list is exhibited as Exhibit P-3/1 /PW-4. Further inspected the place of occurrence and described the same with precision. Further got statement of the victim recorded u/s 164 Cr.PC and recorded statements of other PW's. On date arrested the accused vide arrest warrants which was exhibited. Further recorded explanatory statements of both accused persons and seized the Scooty from the accused. On date 08.03.2022 arrested another accused vide arrest memo and also recorded his statement and seized his vehicle via seizure list. He got permission to get blood samples of the accused for DNA profiling and on dated 05.04.2022 sent the samples to Ranchi SFSL and got the age proof of the victim as per which her date of birth is 10.06.2005 and finding the incident to be true submitted the charge sheet no. 58 of 2022 dated 02.05.2022 against the accused. Further identified the accused.

PW-5 deposed that he is I/c Principal of Rupatoli School and brought the school admission register which his running from year

2002 to 2023 which contains 80 pages and the register was made in 2004 and as per register the victim is student of their school and was admitted in class 1st on date 25.05.2012 which is at serial no. 54 as per which her date of birth is 10.05.2006. the victim was admitted on the oral disclosure of her parents and her admission entry was exhibited as Exhibit P-13/PW-5. Further the date of birth certificate is exhibited as Exhibit P-14/PW-5.

The DNA report is irrelevant as victim and her mother both have resiled.

4. The Ld. Counsel for the accused submitted that there is nothing on record to prove the guilt of the accused. None of witnesses including the victim uttered anything against the present accused persons. Further the age of the victim is not proved. Therefore no offence is proved against the accused as nothing has been established by the prosecution as to how the victim was raped and what was the role of the present accused. The oral testimony of victim is and her mother completely exonerates the accused persons.

5. The Ld. APP submitted that the age of the victim stands duly proved and nothing has been rebutted by the defence to the testimony of any witnesses. The date of birth certificate of victim is on record and her previous statement stand duly proved. G

6. The main Point of Determinations are:

A. Whether the prosecution is able to prove beyond reasonable doubts the charges for the offence u/s 4 and 6 of Pocso Act against the accused ? If yes then what would be the quantum of punishment?

B. Whether the prosecution is able to prove beyond reasonable doubts the charges for the offence u/s 366A/34, 363/34, 376DA / 34 IPC against accused person ? If yes then what would be the quantum of punishment?

7. Point of determination A and B: The the victim has resiled in her testimony and completely exonerated the accused in her testimony. Further her mother deposed that she does not know the age of the victim and on the same hand the PW-5 deposed that date of birth of victim is disclosed by her parents. And that

parent deposed that she is not idea about the age of her own child. When nothing been deposed by the prosecution witnesses against the accused except for SFSL report, then nothings gets proved against him. Stand alone credibility of the SFSL report need no reliance in light of decision of the Hon’ble High Court of Jharkhand. Therefore nothing stands proved against the accused under any law.

CONCLUSION

8. After the threadbare appreciation of evidences on record, this court finds and holds that prosecution has failed to prove the charges for offences u/s 366A/34, 363/34, 376DA / 34 IPC and u/s 4 & 6 against the accused. Accordingly, this court acquits the accused from all the offences he is charged with.
9. The accused is on bail, on acquittal his bail bonds are canceled and the sureties are discharged of their respective liabilities. Accused to file bonds in terms of section 481 BNSS/437A Cr.PC within 7 working days and after compliance file be consigned to record room. **It is not a fit case for victim compensation as victim refused that any such incident occurred with her.** After compliance office to consign the record to the record room as per rules.

Dictated and Corrected : sd/- (SANJEEV BHATIA) Exclusive Special Judge (POCSO), GUMLA. P.O ID JH5001 20.08.2026	sd/- (SANJEEV BHATIA) Exclusive Special Judge (POCSO), GUMLA. P.O ID JH5001 20.08.2026
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