

<u>POCSO Case No. 141/2018</u> CNR:WBML01-004634-2018 (Details of FIR/Crime and Police Station) <i>(Arising out of English Bazar PS case No.932 of 2018 dated 31-08-2018 under Section 448/417/509 of IPC and under Section 4 of POCSO Act)</i>	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	Sri Sarthak Das
ACCUSED	1. Subrata Roy
REPRESENTED BY	Mr. Sudipta Ganguly

Date of Offence	29-08-2018
Date of FIR	31-08-2018
Date of Charge sheet	05-10-2018
Date of Framing of Charges	19-03-2019
Date of commencement of Evidence	02-08-2024
Date on which Judgment is reserved	Nil
Date of the Judgment	06-08-2026
Date of the Sentencing Order, if any	Nil

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	1. Subrata Roy	08-06-2020	27-04-2021	U/S 4 of POCSO Act alternatively u/s 376 of IPC	Acquitted	Nil	N/A

Accused person namely **1. Subrata Roy** on court bail is present by filing hazira.

Today is fixed for further evidence.

No witness is present today.

On perusal of the evidence on record I am of the firm view that any amount of evidence will not improve the prosecution case. Hence evidence on behalf of the prosecution is hereby closed.

Owing to lack of any incriminating materials on record against the accused person the examination of accused person u/s. 313 of the Cr.P.C is dispensed with. However, the accused person is examined in terms of Section 232 of CR. P.C.

Heard the prosecution and the defence.

The record is now taken up for passing order.

This instant case was initiated on the basis of a written complaint filed by the survivor alleging that prior six months the accused promised to marry her and relying on that promise, she agreed, especially since her mother was no longer alive. She further stated that she refused to engage in any physical intimacy until she attained the age of majority but the accused often intercepted her on the way, on the way to school when she was alone, the accused would make indecent proposals to her and sometimes he embarrassed her but she did not complain to anybody because the accused had promised to marry her. She has further stated that on 29-08-2018 when she was sleeping in her room alone and her younger brother had gone to his uncle's house and her father was away from her home for the purpose of his work then at about 11:30 PM when she went to the washroom at that time the accused grabbed her from behind, gagged her mouth, took her inside the room and raped her and thereafter fled away. She raised hue and cry and called the people of the locality and informed the matter to them.

On the basis of the said complaint English Bazar PS case No. 932 of 2018 dated 31-08-2018 under Section 448/417/509 of IPC and under Section 4 of POCSO Act was initiated against the above named accused person.

Investigation followed and after completion of investigation charge sheet was submitted against the above named accused person under Section 448/376/417/509 of IPC and under Section 4 of POCSO Act vide charge sheet being No.1001/2018 dt. 05-10-2018.

In this instant case prosecution examined 02 witnesses including the survivor and one co-villager of the survivor.

PW1 who is the survivor stated in her evidence that she herself had lodged the complaint before English Bazar P.S. She has stated that she had relation of love with Subrata and one day he came to their house which was noticed by the local villagers and the villagers objected and they had asked her to lodge the complaint and accordingly she had lodged the complaint as per the instruction of the villagers.

P.W2 who is the co-villager of the survivor stated that she had no knowledge as to why the complaint was lodged.

From the evidence of the victim girl it appears that no incident at all had occurred. None of the witnesses uttered a word against this accused person.

In my considered view, there is no iota of evidence against the accused person which calls for his conviction.

In the given premises, the accused person merits acquittal.

Hence, it is

O R D E R E D

that accused person namely **1. Subrata Roy** is found not guilty of the charge labeled against him and he is acquitted as per the provision of section 232 of the Code of Criminal Procedure.

The accused person be discharged from their bail bond(s), if any; and be set at liberty forthwith but the accused person shall remain on **fresh** bail bond of Rs.1,000/- with one surety for six months from this day as per the provisions of Section – 437-A of Cr.P.C with direction to appear before the Higher Court as and when such Court issues notice in respect of any appeal or petition filed against the Judgment and if, he fail to appear the bonds shall stand forfeited u/s.446 of BNSS.

The seized *Alamat*, if any, be destroyed after the period of appeal.

Let a copy of the findings be sent to the District Magistrate, Malda as per the provisions of Section 365 of the Code of Criminal Procedure.

Let a *pdf* copy of this judgment be sent to the Chairperson, DLSA, Malda through official mail with a request to inform the victim of their/his/her right to prefer an appeal availing Legal Aid.

Dictated and corrected by

(Smt. Sushmita Gayen)
Judge, SPL Court,
2nd Court Malda
(JO Code - WB 00823)

(Smt. Sushmita Gayen)
Judge SPL Court,
2nd Court Malda
(JO Code -WB 00823)

Later.....

In view of the above order, bond of Rs.1,000/- is filed by surety
----- for accused persons.

The accused persons be released on the bail bond(s) and the surety shall stand discharged on the expiry of 6 months, if the accused persons are not directed by any upper Court to appear before the said upper Court.

	Dictated and corrected
by	
	Sd./- S. Gayen.
	Addl.Sesssions Judge, 4 th
Court	Krishnagar, Nadia.