

FORM-A

**IN THE COURT OF ADDL. DISTRICT AND SESSIONS
JUDGE-CUM-SPECIAL COURT UNDER POCSO ACT,
JAJPUR**

PRESENT: Shri Abhilash Senapati, LL.M.,
Addl. District & Sessions Judge-cum-
Special Judge (POCSO), Jajpur,
(J O Code No. OD-00310)

Date of Judgment: **10.07.2026**

C.T (Spl.) POCSO No.37/2021

Trial No.250 of 2023

(Arising out of Binjharpur P.S. Case No.81 dtd.04.03.2021)
(Details of FIR/Crime and Police Station)

Complainant	Name : Sabita Mallik
Represented By	Sri Pratap Ray, Spl.P.P.
Accused	1. Chandan Mallik , aged about 23 years, S/o.-Bihari Bidura Mallik, Vill- Jari Banka, P.S.- Binjharpur, District- Jajpur
Represented by	Sri P.K. Samanta & associate.

FORM-B

Date of Offence	04.03.2021
Date of FIR	04.03.2021
Date of Charge Sheet	22.04.2021
Date of Framing of Charge	14.10.2022
Date of commencement of evidence	09.12.2022
Date on which Judgment is reserved	23.06.2026
Date of Judgment	10.07.2026
Date of Sentencing order, if any	Nil

Accused Details:							
Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention for sec 468 BNSS.
01.	Chandan Mallik	05.03.2021	22.03.2021	U/s.341/323/354/354-A/354-D/509 of IPC r/w Sec. 8 of POCSO Act, 2012	Acquitted	-	N/A

Status of the accused – Accused is on bail

J U D G M E N T

The accused namely Chandan Mallik stands charged for the offences punishable U/s. 341/323/354/354-A/354-D/509 of Indian Penal Code (In short ‘IPC’) r/w Sec. 8 of POCSO Act, 2012.

02. The factual substratum of the prosecution's case, succinctly stated, is that on 04.03.2021 at about 8.00 A.M., while the victim was going to Banka Bihari School, Jari Banka, on the way near river embankment, the accused wrongfully restrained her and passed obscene comments to her. When she opposed he came and dragged her. On this incident, the informant lodged FIR before the IIC, Binjharpur P.S. upon which P.S Case No.81 dtd. 04.03.2021 was registered U/s. 341/323/354/354-A/ 509 of IPC *read with* Section 12 of POCSO Act, 2012 and investigation was taken up.

03. During the course of investigation, the Investigating Officer visited the spot, examined the complainant and other witnesses and prepared spot map. He recorded the statement of the informant and victim U/s.180 BNSS. He seized the school admission register of Bankabihari Girls High School from the Headmaster and prepared seizure list, arrested the accused and sent her for her medical examination and seized her wearing apparels and biological samples. The I.O. also made prayer before this court to record the statement of the victim U/s.164 Cr.P.C. On 07.04.2021 finding *prima facie* case against the accused namely Chandan Mallik, the I.O. submitted charge sheet against him for committing the offences U/s. 341/323/354/354-A/354-D/509 of IPC read with Section 8 of POCSO Act to face his trial in the court of law. Considering the materials available on record and finding grounds of presumption against the accused for committing the alleged offences, charge was framed for the above offences against the accused to face his trial. Hence this case.

03. Defence plea is one of complete denial of the prosecution allegations and false implication for which the trial proceeded against him.

04. Upon denial of the prosecution allegations, the questions which emerged for determination in this case are as follows;

a) Whether on 04.03.2021 at 08.00 A.M. at village Jari Banka Mathasahi under Binjharpur P.S., the accused wrongfully restrained the victim and thereby committed an offence punishable U/s. 341 of IPC?

b) Whether on the above date, time and place, the accused voluntarily caused hurt to the victim and that thereby committed an offence punishable U/s. 323 of IPC?

c) Whether on the above date, time and place, the accused used criminal force to the victim, intending to outrage her modesty and that thereby committed an offence punishable U/s. 351 of IPC?

d) Whether on the above date, time and place, the accused committed physical contact with the victim by dragging her and that thereby committed an offence punishable U/s. 354-A of IPC?

e) Whether on the above date, time and place and on earlier occasions also at different places repeatedly followed the victim and attempted to contact her to foster personal interaction despite a clear indication of disinterested by the said victim and that thereby committed an offence punishable U/s. 354-D of IPC?

f) Whether on the above date, time and place, the accused intending to insult the modesty of the minor daughter of the informant uttered obscene words towards her and also showed indecent gesture and that thereby committed an offence punishable U/s.509 of IPC?

c) Whether on the above date, time and place, the accused committed sexual assault upon the minor victim girl and that thereby committed an offence punishable U/s.8 of POCSO Act?

05. In order to establish its case, prosecution has examined as many as 06 witnesses in its support, of whom, P.W.1 is the scribe, P.W.2 is the victim herself, P.W.3 is the Headmaster of Bankabihari High School, P.W.4 is the M.O. who examined the accused, P.W.5 is the M.O. who examined the victim, P.W.6 is the Hindi teacher in Bankabihari High School,

In order to substantiate its case, the prosecution has proved the FIR marked as Ext.P-1, statement of the victim recorded U/s.164 Cr.P.C. marked as Ext.P-2, seizure list in respect of original school admission register from the Headmistress showing the date of birth of the victim as 12.01.2006 vide Sl No.0872/0018 is marked as Ext.P-3, zimanama in respect of admission register marked as Ext.P-4, Original admission register marked as Ext.P-5, medical

report of the accused marked as Ext.P-6, medical report of the victim marked as Ext.P-7.

On the other hand, the defence has neither examined any witness nor proved any document on its behalf.

06. On going through the prosecution evidence regarding the alleged occurrence, it is seen that, P.W.2 being the victim of this case has deposed in her evidence stated that in the year 2021 she was in a love relationship with the accused and when the same came to the knowledge of her mother, she lodged F.I.R. against the accused. Then police also produced her before the Magistrate for recording her statement U/s.164 Cr.P.C.

During cross examination she deposed that now she had married to the accused Chandan Mallik and they are staying together as husband and wife and are leading their happy conjugal life. Out of their wedlock they have been blessed with one daughter and that she has no grievance against the accused, for which she does not want to pursue the matter any further and that she has deposed in her statement U/s.164 Cr.P.C. being tutored by police while the accused had never misbehaved her at any point of time.

P.W.1 being the independent witness has deposed that he scribed the FIR as per instruction and dictation of the informant. After scribing the same, he read over its contents to the informant.

During cross examination he deposed that he had no direct knowledge about the occurrence.

P.W.3 and P.W.6 being the Headmaster and Hindi teacher of Bankabihari High School, Jari Banka. They deposed that the I.O. seized the original school admission register from the school showing the date of birth of the victim as 12.01.2006 vide SI No.0872/0018 and prepared seizure list in their presence.

7. From the above evidence on record, it is clear that in a criminal case, it is the duty of the prosecution to prove its case beyond all reasonable doubt by adducing clear, cogent and credible evidence failing which the benefit of doubt will go in favour of the accused. As in the instant case none of the prosecution witnesses have deposed supporting the prosecution case, most particularly, the victim herself who is the vital witness to the prosecution case has been turned hostile and did not support the prosecution case. Rather, she has categorically deposed that now she had married to the accused Chandan Mllik and they are staying together as husband and wife and also

leading their happy conjugal life. She had no grievance against the accused. She does not want to pursue the matter any further. The accused had never misbehaved her at any point of time. As such, this Court is of the view that the prosecution has measurably failed to establish its case beyond all reasonable doubt.

08. In the result, the accused namely Chandan Mallik found not guilty of the offences U/s. 341/323/354/354-A/509 of IPC *read with* Section 12 POCSO Act, 2012 and he acquitted thereof U/s.235(1) Cr.P.C./U/s.258(1) BNSS). He be set at liberty forthwith.

Enter this case as mistake of fact.

The zimanama be cancelled. The other seized articles except documents if any, be destroyed four months after expiry of the appeal period, if no appeal is preferred and in case of appeal the same be dealt with according to the order of the Hon'ble Appellate Court.

**Addl. District and Sessions Judge
-cum-Special Judge (POCSO), Jajpur.**

The judgment is pronounced in the open Court today, this the 10th day of June, 2026 under my hand, signature and seal of this Court.

**Addl. District and Sessions Judge
-Cum-Special Judge (POCSO), Jajpur.**

Dictated to the Stenographer, transcribed by him, corrected by me and pronounced the judgment in open Court today this the **10th day of July, 2026** under my signature and seal of this Court.

**Addl. District and Sessions Judge
-Cum-Special Judge (POCSO), Jajpur**

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
(i) Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
P.W.1	Akshaya Kumar Mallik	Independent witness
P.W.2	victim	victim
P.W.3	Kumudini Pati	Headmistress of Bankabihari High School, Jari
P.W.4	Yogamaya Nayak	Medical officer who examined the accused
P.W.5	Dr. Sukhadayini Behera	Medical officer who examined the victim
P.W.6	Santosh Kumar Das	Hindi teacher of Bankabihari High School, Jari
(ii) Defence Witnesses, if any		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
Nil	Nil	Nil
(iii) Court Witnesses, if any		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS,

		MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES
Nil	Nil	Nil
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
Prosecution Exhibits		
1.	Ext-P-1	FIR
2.	Ext-P-2	Statement of the victim recorded U/s.164 Cr.P.C.
3.	Ext.P-2/1	Signature of P.W.2 on Ext.P-2
4.	Ext-P-3	Seizure list in resepct of original school admission register of Bankabihari High School Jari from the headmistress showing the DOB of the victim as 10.01.2026.
5.	Ext.P-3/1	Signature of P.W.3 on Ext.P-3
6.	Ext.P-4	Zimanama in respect of school admission register
7.	Ext.P-4/1	Signature of P.W.3 on Ext.P-4
8.	Ext.P-5	Ordinal admission register
9.	Ext.P-5/1	Relevant entry
10.	Ext.P-6	Medical report of the accused
11.	Ext.P-6/1	Signature of P.W.4 on Ext.P-6
12.	Ext.P-7	Medical report of the victim
13.	Ext.P-7/1	Signature of P.W.5 on Ext.P-7
Defence Exhibits, if any		
Sl.No.	Exhibit Number	Description
Nil	Nil	Nil
Court Exhibits		
Sl.No.	Exhibit Number	Description
Nil	Nil	Nil
Material Objects		
Sl.No.	Material Object Number	Description
Nil	Nil	Nil

**Addl. District and Sessions Judge
-Cum-Special Judge (POCSO), Jajpur**