

**IN THE COURT OF SPECIAL JUDGE AT BARPETA.**

**Present :- Sri Vinod Kumar Chandak, M.A., M.Com., LL.B.,AJS,  
Special Judge,  
Barpeta.**

**JUDGMENT IN SPECIAL POCSO CASE NO. 81 OF 2019  
(G.R.No.- 1790/2019)  
Kalgachia P.S. Case No. 317 of 2019**

**State of Assam**

**-versus-**

**Shahidul Islam,  
S/O Late Mongal Hussain,  
Resident of Kaurjahi,  
P.S. Kalgachia,  
District – Barpeta, Assam**

**..... Accused.**

**APPEARANCES :**

**For the State : Mr. Lalit Ch. Nath, learned  
Public Prosecutor, Barpeta.**

**For the Accused : Mr. Dharani Dhar Talukdar,  
learned Senior Counsel,  
Barpeta.**

**CHARGE FRAMED UNDER SECTION 376 IPC READ WITH SECTION  
4 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES  
ACT, 2012.**

**Date of Charge : 29.05.2019,  
Date of Prosecution evidence : 26.06.2019; 09.07.2019;  
& 27.09.2019,  
Date of Statement of accused  
recorded under Section 313 CrPC : 01.11.2019,  
Date of Argument : 05.02.2020 & 18.02.2020,  
Date of Judgment : 27.02.2020.**

**J U D G M E N T**

**1).** The prosecution case, in brief, is that Kalgachia P.S. Case No. 317 of 2019 under Section 376 (AB) IPC read with Section 4 of the Protection of

Children From Sexual Offences Act, 2012 was registered on the basis of a F.I.R. lodged by Sukur Ali, father of the victim.

In the aforesaid **F.I.R.** (Exhibit-3) dated 05.04.2019, the informant Sukur Ali (P.W.3), alleged *interalia*, that on 05.04.2019 at about 10:00 AM, victim went to the house of accused namely Shahidul Islam alongwith her brother for recharging mobile phone in the house of accused. At that time, accused planned to sent her brother to collect guava and committed sexual intercourse on his minor victim daughter (X), aged about 9 years. It was also alleged that accused lured the victim to his house and did sexual activity with the victim by gaging her mouth.

On receipt of the aforesaid F.I.R. by the Officer-In-charge, Kalgachia Police Station, the same was registered as **Kalgachia P.S. Case No. 317/2019** under **Section 376 (AB) IPC read with Section 4 of the Protection of Children From Sexual Offences Act, 2012.**

During the course of investigation, the victim girl was medically examined by the doctor, her statement under station 164 of CrPC was recorded by the learned Magistrate. Police, on completion of investigation, filed charge sheet, in the case, against the above named accused **Shahidul Islam under Section 376 (AB) IPC read with Section 4 of the Protection of Children From Sexual Offences Act, 2012** vide charge sheet **No.107/19**, dated **13.05.2019.**

**2).** My learned Predecessor-in-office received the case record alongwith the case diary of the case. Accused was summoned. On appearance of accused, copy was furnished to him by my learned Predecessor-in-office.

**3).** Upon consideration of the record of the case and the documents submitted therewith and after hearing the submissions of the learned counsel for the accused and the prosecution in this behalf, charge was framed by the undersigned against the accused under **Section 376 IPC read with Section 4 of the Protection of Children From Sexual Offences Act, 2012**, which was read over and explained to the accused, to which, the accused pleaded not guilty and claimed to be tried.

4). During the course of trial, **8 [eight]** number of witnesses including the informant, victim, Medical Officer and the I/O were examined on behalf of the prosecution to prove the charge under Section 376 IPC read with Section 4 of the Protection of Children From Sexual Offences Act, 2012.

On completion of prosecution evidence, statement of the above named accused was recorded under Section 313 of CrPC. The accused denied all the alleged incriminating materials against him. He claimed himself to be innocent. **He also disclosed that he had land dispute against the informant. For this reason, informant has lodged false case due to previous enmity. He denied to adduce evidence in his defence.**

5). I have heard **Mr. Lalit Ch. Nath**, learned Public Prosecutor of Barpeta, for the State as well as **Mr. Dharani Dhar Talukdar, learned Senior Counsel, Barpeta** for the accused, who is facing trial for commission of offence under **Section 376 IPC read with Section 4 of the Protection of Children From Sexual Offences Act, 2012.**

6). Now the point for determination before this court are as follows ---

(i) **Whether the accused on 05-04-2019 at about 10:00 A.M. within the jurisdiction of Kalgachia P.S., District Barpeta, committed rape on Anjuara Khatun at his home, who is the minor daughter of the informant Sukur Ali and thereby committed an offence punishable under Section 376 IPC ?**

(ii) **Whether the accused on the aforesaid date, time and place, committed penetrative sexual assault upon minor victim of above named informant and thereby committed an offence punishable under Section 4 of Protection of Children from Sexual Offences Act, 2012**

**DISCUSSION, DECISIONS AND REASONS THEREOF :**

7). To decide the above point and sections of law, let us examine,

analyze and appreciate the evidence of the witnesses alongwith the relevant documents.

**Dr. Renuka Rangpharpy [P.W.1]** stated that on 06.04.2019, she was working as Associate Professor, Department of Forensic Medicine, FAAMCH, Barpeta. On that day, she examined one girl namely **Anjuwara Khatun**, aged 09 years, D/O Sukur Ali of village Kaurjahi under Kalgachia PS, on police requisition, in connection with Kalgachia P.S. Case No. 317/2019, on being escorted by Nirmali Pathak and found as follows:

**History:-**

As per alleged victim girl, on 05.04.2019 at about 10 AM known man name Sahid Ali of same locality, had forceful sexual intercourse with her at his residence when she came to charge the mobile at his house. After she came out of his house, she informed the matter to her parents and then her parents reported to police on the same day. She changed her cloth, took bath after the incident and today she is brought to FM deptt. for medical examination.

**Physical Examination:-**

Identification marks:-

1. A pin head size black mole on right 3cm away from the angle of the mouth.
2. A pin head size black mole on left side of cheek, 4 cm away from the angle of mouth.

Height:- 135 cm,

Weight:- 26 Kg.

Chest girth at nipple level:- 61 Cm. Abdominal girth at navel level:- 58 Cm.

General built & appearance:- Thin built.

Voice :- Childish.

Teeth: Total:28:

Temporary: 5/5

Permanent: 8+1/8+1.

Hairs: Axillary/Body: Nil.

Breasts:- Child like

Puberty (as told by the individual) :- Not yet attained.

Menstruation(as told by the individual): Not yet attained.  
LMP ( as told by the individual): Not yet attained.  
Mental Condition: Nothing abnormality detected at the time of examination. Gait:  
Normal  
Intelligence: Average.  
Wearing garments & any suspected stains present: Not detected.  
Bodily Injuries: Nil.

**Genital Examination:-**

Pubic hairs: Nil.  
Vulva(Labia majora & minora):- Healthy and developed.  
Hymen: Intact.  
Vagina:- Rugosed.  
Cervix & Uterus: Developed and healthy.  
Fourchette & Perineum : Healthy.  
Result of vaginal swab smear examination: Vaginal smears does not show spermatozoa under microscope.

**Final Opinion:-**

- (1) No evidence of recent sexual intercourse is detected on her person.**
- (2) No evidence of injury mark is detected on her body and private parts.**
- (3) No evidence of foreign particles present on the body/cloth of the alleged victim girl.**
- (4) No evidence of pregnancy, as the girl has not attended puberty.**
- (5) No definite opinion on the age of the alleged victim girl, however, on the basis of physical and dental examination, her age is above 09(nine) years and below 10(ten) years. Radiological investigation is essential to know actual age of the alleged victim girl.**

**P.W.1 exhibited her medical report vide Ext.1 and Ext.1(1) is her signature.**

**During cross-examination P.W.1 stated that in case of forceful**

penetration, hymen may got tear.

**8).**            **The victim [P.W.2]** has deposed that informant is her father and accused is her uncle (Moha). Incident took place in the month of April, on 05.04.2019. Her aunti (Mahi), Sukurjan Nessa told her to go to the house of accused for charging her mobile phone. Then, she went with her younger brother namely Iman Ali, at about 2 PM. Accused was alone at his home at that time. In the meantime, her brother went outside to have guava.

She stated that after charging the mobile, she wanted to come out from the house of accused, but he did not allow her to go out. After that, accused did bad work with her. Accused opened her pant. She tried to make hue and cry, but he tied her mouth with his hands. Then, accused opened his pant and inserted his male part (susu) in her vagina (she showed the lower part of her belly). After the incident, accused released her and she ran out from his house. After that, she narrated the incident to her aunti Sukurjan Nessa and her elder sister Sahida.

After coming to know about the incident, her father lodged the case. Police examined her and sent her for medical examination and also got her statement recorded by learned Magistrate u/s 164 CrPC. She exhibited her statement as Ext.2 and Ext.2(1) & 2(2) are her signatures recorded u/s 164 CrPC.

**In her cross-examination,** P.W.2 has deposed that the house of accused is at a distance of about 2 bighas of land and he has got his family including his wife and three sons. Two sons have got married and they are having their children. They all lived together in the same house. They do not have electricity connection at their house. Earlier, they used to stay on the bank of river at Balaipathar. Later on, they shifted to the present place of their staying due to erosion of river. Sukurjan is elder sister of her mother. She do not know whether accused tried to get married with her.

P.W.2 stated that accused teased them as to whether her said aunti (Mahi) will marry him or not. She do not know the brother of accused Raihan Ali. Accused has got guava tree in his house. Her younger brother got two guava from the tree of the accused and she took one of it near the tree.

She (P.W.2) denied that she did not state before police that she went with her younger brother namely Iman Ali at about 2 PM. Accused was alone at his home at that time. In the meantime, her brother went outside to have guava. After charging the mobile, she wanted to come out from the house of accused, but he did not allow her to go out.

P.W.2 further stated that they met one advocate today after coming to court. He told her to repeat the same thing which she told earlier. Her parents did not tutor her at her house as to what is to be deposed before the Court.

P.W.2 denied that she did not state before police that her aunti (Mahi) Sukurjan Nessa told her to go to the house of accused for charging her mobile phone; that she went with her younger brother namely Iman Ali at about 2 PM; that accused opened her pant. She tried to make hue and cry, but he tied her mouth with his hands. Then accused opened his pant and inserted his male part (susu) in her vagina (she showed the lower part of her belly).

Her father approached the brother of accused Raihan Ali after the incident and he asked to lodge case against accused. She do not know whether a land dispute is there between the accused and his brother Raihan.

P.W.2 denied that she had deposed falsely before the Court and nobody was present at the house of accused at the time of alleged incident; that she did not state before police that accused was alone at his house at the time of incident; that she did not state before police that she narrated the incident to her aunti Sukurjan Nessa and her elder sister Sahida; that no incident took place that the accused did bad works with her.

**9).** **Sukur Ali [P.W.3]** deposed in his evidence that he lodged this case against the accused, who is his brother in village relation. Incident took place on 05.04.2019 at about 10 AM and it was Friday on that day. He was at his house.

P.W.3 stated that the elder sister of his wife Sukurjan Nessa wanted to get her mobile charged. So, she sent the victim to the house of the accused for charging purpose. About 10 minutes of her departure, his elder daughter told him that victim has come back in weeping condition and told that

accused did bad works with the victim. Then, he approached the family members of the accused including his elder brother and his nephew. At about 9 PM, he lodged the case before police. The incident took place at about 10 AM. P.W.3 exhibited the FIR as Ext.3 and Ext.3(1) is his signature.

**In his cross-examination**, P.W.3 stated that he do not know the date of birth of his victim daughter. Incident took place on 05.04.2019. He do not know his date of birth and he also do not know the name of the month which is going on at present. The accused and his brother Raihan has got dispute over land and other properties. They used to stay at a different place, but after erosion of river they have come to this place.

P.W.3 denied that elder sister of his wife sent the victim to the house of the accused to get her mobile charged. Victim stayed at the house of accused for 30 minutes. He noticed his son coming from the house of accused consuming guava. He do not know whether his victim daughter had one guava from tree of accused or not.

P.W.3 further denied that he did not state before police that his elder daughter came to him and told that victim had told her in weeping condition that accused did bad works with her; that he had deposed falsely before the Court that the accused did bad works with her; that he had lodged false case against the accused.

He (P.W.3) stated that the family members of accused stayed at the same house of the accused. The accused has got two wives, three sons and their children. There was no argument between the accused and family members prior to the incident.

P.W.3 denied that he had tried to extract money from the accused in collaboration with Raihan.

**10). Sahida Begum [P.W.4]** has deposed in her evidence that informant is her father and victim is her younger sister. She knows the accused person of this case. Incident took place about 2 months ago. She was at her house.

She deposed that her aunty (Mahi) sent the victim to the house of accused for charging her mobile but she came from the house of accused person



in weeping condition. Then, victim told her that after charging her mobile when she was about to come then accused caught and raped her at his house. P.W.4 told the incident to her mother. After that, her father lodged the case as told by village headman and other villagers.

**In her cross-examination,** P.W.4 has stated that the house of accused is at a distance of about 1 bigha of land from her house. The whole family of accused including his son, their wife, children etc. resided in the same house. On earlier occasion, they also used to go to the house of accused for charging mobile.

P.W.4 denied that she did not state before police that victim told her that after charging her mobile when she was about to come then accused caught and raped her at his house. Then, she told the incident to her mother. Then, her father lodged the case as told by village headman and other villagers.

She denied that they had lodged false case against the accused person due to their previous enmity.

**11). Elias Ali [P.W.5]** deposed that he knew the Informant, victim as well as accused of this case. Incident took place on 05-04-2019 at about 9.00 AM. He was at his house.

P.W.5 stated that after opening his shop, at about 12.00 noon, he heard that accused raped the victim. He got information from one newspaper reporter and his name may be Shahidul Islam. Then, he went alongwith the police to the house of victim and victim told police that accused raped her when she went to give charge to mobile. He heard the statement of victim.

**In his cross-examination,** P.W.5 deposed that Police recorded his statement on the same date of the incident.

P.W.5 denied that police record his statement on the same date;

P.W.5 admitted that he did not state before police that he heard that accused raped the victim. He got information from one newspaper reporter and his name may be Shahidul Islam. Then, he went alongwith the police to the house of victim. Victim told police that accused raped her when she went to give charge to mobile. He heard the statement of victim. Police did not examine him.

**12).** **Amir Hussain [P.W.6]** deposed that he knew the informant, victim as well as accused of this case. On the relevant day, when he returned to his home in the evening then he heard from his wife that accused had raped the victim.

P.W.6 stated that he do not have any personal knowledge about the incident.

**In his cross-examination,** P.W.6 deposed that police examined him.

P.W.6 denied that he did not state before police that he heard from his wife that accused had raped the victim.

He do not know whether the incident is true or false.

**13).** **Sahir Ali [P.W.7]** deposed that on 06-04-2019, he was working at Kalgachia PS in the same capacity. On that day, one Sukur Ali lodged a FIR before the OC Kalgachia PS, which was registered as Kalgachia PS Case No 317/2019 U/S 376(AB) IPC, R/W section 4 of POCSO Act. Ext. 3 is the FIR and Ext. 3 (2) is the signature of the OC Kalgachia PS, namely Sri Bhaskar Jyoti Das with endorsement. The OC, Kalgachia PS directed him to investigate the case.

P.W.7 stated that after taking charge of investigation, he examined the informant and victim in civil dress with the help of ladies constable. He sent the victim for her medical examination and getting her statement recorded u/s 164 Cr.PC. Then, he proceeded to place of occurrence and arrested the accused there. He drew the sketch Map. P.W.7 exhibited the sketch map as Ext 4 and Ext. 4 (1) is his signature. He examined other relevant witnesses. After that, he forwarded the accused to Hon'ble court on 07-04-2019.

On 29-04-2019, he was transferred so he handed over the case diary to the OC, Kalgachia PS. He recorded the statement of all the witnesses.

**In his cross-examination,** P.W.7 deposed that ejahar was lodge on 06-04-2019 but it contains the date as 05-04-2019. He did not show the house of complainant Sukur Ali in the Ext. 4. He had not shown the guava tree near the house of accused. He sent the victim on 06-04-2019 for her medical examination and her statement u/s 164 Cr.PC was recorded on 08-04-2019. He

had not seized the mobile of victim and also had not shown the rooms in the house of accused in Ext. 4. P.W.7 had not inquired the number of family members of the accused.

Witness Anjuwara Khatun (PW-2) did not state before him that after charging mobile, she wanted to come out from the house of accused, but he did not allow her to go out.

Witness Sukur Ali (PW-3) did not state before him that elder sister of his wife sent the victim to the house of accused to get her mobile charged.

Witness Shahida Begum (PW-4) did not state before him that victim told her that after charging her mobile when she was about to come then accused caught and raped her at his house.

**14).** **Bhaskar Jyoti Das [P.W.8]** deposed that on 06-04-2019, he was posted at Kalgachia PS as officer in-charge. On that day, one Sukur Ali lodged a FIR before him and he registered the same as Kalgachia PS Case No. 317/2019 u/s 376(AB) IPC R/W section 4 of POCSO Act. He entrusted the investigation of the case to SI Sahir Ali. Ext. 3(2) is his signature with endorsement.

P.W.7 further deposed that on 13-05-2019, he received back the case diary of the case from SI Sahir Ali, on his transfer.

After going through the case diary, he found that investigation of the case is complete. Hence, he submitted charge-sheet against the accused Shahidul Islam u/s 376(AB) IPC R/W section 4 of POCSO Act. She exhibited the charge-sheet as Ext. 5 and 5(1) is his signature thereon. He did not record statement of any witnesses in this case.

His cross-examination was declined by defence side.

**15).** From a close perusal of the evidence, it is seen from the statement of the victim (P.W.2), who is star witness of this instant case that accused Shahidul Islam took her inside the house when her aunt Sukurjan Nessa sent her to the house of accused for charging her mobile phone. She went alongwith her younger brother namely Iman Ali. After that, her brother went outside to have guava and accused committed sexual intercourse upon her. She categorically

stated that accused entered his penis into her private part and released her from his house. Then, she narrated the incident to her aunt Sukurjan Nessa and her elder sister Sahida.

The evidence of Sukurjan Nessa and Sahida Begum are important because they were the first person who heard the alleged incident from the victim. But the Prosecution side did not examine Sukurjan Nessa who sent the victim to the house of accused for charging her mobile phone for the reason best known to it. Sahida Begum (P.W.4) stated in her cross-examination that the house of accused is at a distance of about 1 bigha of land from her house where as victim stated in her cross-examination that the house of accused is at a distance of about 2 bigha of land.

Victim (P.W.2) mentioned in her cross-examination that accused has got guava tree in his house and her brother got two guava from the tree the accused and she took on of it near the tree. It does not mean as alleged in the FIR that accused sent her brother to get guava. Moreover, the I.O. (P.W.7) had not seen the guava tree near the house of accused.

It may be mentioned here that victim is a very young girl and she did not attain puberty, at the time of incident, as per medical examination report of her (Ext.-1). The Medical Officer (P.W.1) in her evidence clearly stated that she did not find any evidence of recent sexual intercourse or injury on the body and private part of victim (P.W.2).

The learned counsel for defence side argued that victim has falsely implicated the accused because had there been forceful penetration then Medical Officer (P.W.1) would have mentioned the injury on the person and private part of victim. Further, hymen of the victim is found intact as per Ext.-1, which is likely to tear, even as per version of P.W.1, in case of forceful penetration.

Moreover, I.O. of the case has not seized the wearing apparel of the victim to believe the testimony of victim. P.W.2 (victim) deposed that she was asked by the Sukurjan, who is her aunty to go to the house of accused for charging her mobile phone. P.W.2 also claimed to have stated the incident to her. But, Prosecution side failed to examine the said vital witness of the case to believe the prosecution story. Moreover, I.O. (P.W.7) clearly stated that he has not seized the said mobile phone.

**16).** It is well settled law that the conviction on the sole evidence of a child witness is permissible, if such witness is found competent to testify and the court, after careful scrutiny of its evidence.

In the case of ***Dattu Ramrao Sakhare-versus-State of Maharashtra***, reported in ***[1997] 5 SCC 341***, the Hon'ble Apex Court has held that - **"A child witness if found competent to depose to the facts and reliable one, such evidence could be the basis of conviction. In others, even in the absence of oath, the evidence of a child witness can be considered under Section 118 of Indian Evidence Act, provided that such witness is able to understand the questions and able to give rational answers thereof. The evidence of a child witness and credibility thereof would depend upon the circumstances of each case. The only precaution which the court should bear in mind while assessing the evidence of a child witness is that the witness must be reliable one and his/her demeanor must be like any other competent witness and there is no like hood of being tutored"**.

**17.)** In another case, i.e. **Panchi- versus- State of Uttar Pradesh, AIR 1998 SC 2726**, the Hon'ble Apex Court has held that - **" It is not the law that if a witness is a child, his/her evidence shall be rejected, even if it is found reliable. The law is that evidence of a child witness must be evaluated more carefully and with greater circumspection because a child is susceptible to be swayed by what others tell them and this child witness is easy prey to tutoring"**.

**18.)** Moreover, the Medical Examination Report (Ext.-1) of Medical Officer, who examined the victim (P.W.2) on the next day of alleged incident do not support the allegation of rape on the victim.

**19).** In the case of **State of Karnataka-versus-Chandrayya Hanumanthappa Mallappanavar, 2003 Cri.L.J.258 [Karnataka]**, the Hon'ble Apex Court has held in its judgment that **"invariably in rape cases the**

**Court would lean very heavily in favour of the medical evidence before holding that the offence has been conclusively established”.**

**20).** It may be mentioned here that accused is a quite senior person having two wives, three sons and their children as per evidence of informant (P.W.3). It is also in the evidence of Prosecution Witnesses that all the family members of accused resides in a single house. So, it is very unlikely that accused will dare to rape a young girl of about 10 years of age in broad day light in presence of his wives and family of his three sons.

Independent witness P.W.5 stated that Police did not examine him and P.W.6 is a hearsay witness. These witnesses have not supported the prosecution case against accused.

**21).** Under the circumstances, I am unable to hold that accused committed rape on the victim. This case was lodged with a false story by the informant (P.W.3) against the accused.

**22).** In the case of *Utpal Mishra -versus- State of Assam, 2015 [2] GLR 542*, it has been held by the Hon'ble Gauhati High Court in **Para No.- 22** of its judgment as follows:

**PARA NO-22**

The principals of criminal jurisprudence are that :

**a) There should be legal, reliable and unimpeachable evidence to prove that the prosecution story “must be true” rather than “may be true”;**

**b) It is settled principle of criminal jurisprudence that more serious the offence, stricter is the degree of proof;**

**c) Standard of proof in a criminal case: burden is always on the prosecution and the same never shifts. Prosecution can never derive any benefit from the weakness of the defence version;**

**d) Holding a witness “implicitly reliable” leads to denial of judicial consideration of the infirmities in evidence;**

**e) Defence witnesses can not be disbelieved by relying on conjectures and surmises: they are entitled to equal treatment with those of the prosecution;**

**f) If two views are possible in a criminal case, the view favourable to the accused should be accepted;**

**g) The averment/allegation with respect to the commission of rape has got to be clear and specific for basing a finding of guilt rather than being just inferential. The evidence/averments/allegations must fulfill the ingredients of offence of RAPE as defined under Section 375 of IPC;**

**h) The prosecution must prove the case in the manner in which they are alleged to have caused. It is elementary where the prosecution has a definite and positive case, it must prove the whole of that case;**

**i) In a case the prosecution leads two sets of evidence, each one of which contradicts and strikes at the other and shows it to be unreliable, the result would necessarily be that the court would be left with no reliable and trustworthy evidence upon which the conviction of the accused might be based. Inevitably, the accused would have the benefit of such situation.**

**23).** Keeping in mind the above rational as laid down by the Hon'ble Apex Court, I am constrained to hold that the evidence adduced by the prosecution in support of its case is nothing shorter than mere conjectures and suspicion. Consequently, the charge under Sections 376 of IPC read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 is held to be not proved against the accused Shahidul Islam beyond all reasonable doubt. Accordingly, the accused is found entitled to get benefit of doubt, for which, the

accused Shahidul Islam is acquitted on benefit of doubt under Section 376 of IPC read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

**24).** On scrutiny of the evidence on record, it is seen that no case has been made out against the accused Shahidul Islam to warrant his conviction under Section 376 IPC read with Section 4 of The Protection of Children From Sexual Offences Act, 2012 beyond all reasonable doubt, for which, I am of the opinion that the accused is entitled to acquittal on benefit of doubt, which I accordingly do.

**25).** In the result, accused **Shahidul Islam** is **acquitted** of the charge under Section 376 IPC read with Section 4 of The Protection of Children From Sexual Offences Act, 2012, levelled against him, on benefit of doubt.

His bail bond stands discharged.

**26).** Given under my hand and seal of this Court on this **27<sup>th</sup> day of February, 2020.**

Dictated & corrected by me.

Sd/-  
Special Judge, Barpeta.



## **A P P E N D I X**

(A) **Prosecution witnesses:**

P.W.1	= Dr. Renuka Rangpharpy, the M.O.
P.W.2	= Anjuwara Khatun, the victim,
P.W.3	= Sukur Ali, the informant,
P.W.4	= Sahida Begum,
P.W.5	= Elias Ali,
P.W.6	= Amir Hussain,
P.W.7	= Sahir Ali, the I.O.,
P.W.8	= Bhaskar Jyoti Das, the I.O.

(B) **Prosecution Exhibits:**

Ext.1	= Medical Report,
Ext.1(1)	= Signature of Dr. Renuka Rangpharpy, M.O.,
Ext.2	= Statement recorded u/S 164 CrPC,
Ext.2(1)	= Signature of victim,
Ext.3	= Ejahar,
Ext.3(1)	= Signature of Sukur Ali,
Ext.4	= Sketch Map,
Ext.4(1)	= Signature of Sahir Ali,
Ext.5	= Charge-sheet,
Ext.5(1)	= Signature of Bhaskar Jyoti Das, I.O.

(C) **Defence witnesses:** Nil.

(D) **Defence Exhibits:** Nil.

(E) **Court witnesses:** Nil

(F) **Court Exhibits:** Nil.

Sd/-  
Special Judge, Barpeta.