

**IN THE COURT OF
SPECIAL JUDGE,
PROTECTION OF CHILDREN FROM
SEXUAL OFFENCE ACT (POCSO)
MIZORAM, AIZAWL**

BEFORE

**Mrs. Lucy Lalrinthari
Special Judge, POCSO
Aizawl Judicial District, Aizawl**

**SC. No.122 of 2015
Criminal Trial No.1076/2015
u/s8 of POCSO Act,2012
Ref: Vairengte PS C/No.20/2015 dt.1-4-2015**

State of Mizoram

Vrs

AltabHussainLaskarS/o Akram Ali Laskar(L) of Bilaipur,Lalpani - Accused

PRESENT

For the Prosecution : Mrs.K.Lalremruati,Spl.P.P.

For the Accused : Mr.SaurabhPradhan,Ld.Counsel.

Date of Hearing : 30.11.2015

Date of Judgment : 2-12-2015

JUDGMENT & ORDER

1. The brief story of the case for prosecution is that on dt. 01.04.15, a written FIR was received from Lalramhluna S/o SL.Thanga of State Veng, Vairengte stating that on dt. 01.04.2015 @ 1:00 pm, one AltabHussainLaskar had sexually assaulted two of his daughters namely Judy Ramnunnemi (5 yrs) and Jubilee Lalramdini (2 yrs) at State Veng, Vairengte near their shop while they were playing outside by letting them touched his private part and also touched their chest/breast.Hence, Vairengte PS C/No. 20/15 dt. 01/04/15 U/s 354A(2) IPC r/w Sec. 8 of POCSO Act was registered and duly investigated into.
2. During the investigation, the PO was visited and the complainant as well as the victims and available witnesses were examined. The offender was arrested on the same day ie. Dt. 01/04/2015 and he was forwarded to CJM(K) Judicial Remand. Both the victims were sent to CHC(V) for medical examination and according to the medical report, both their hymens are intact and normal. The accused AltabHussainLaskar (20 yrs) s/o Akram Ali Laskar of Bilaipur, Lalpani was thoroughly interrogated and he admitted his guilt in the instant case that he had touched the chest/breast of Jubilee Lalramdini (2 yrs) and let Judy Ramnunnemi (5 yrs)

touched his private part. During interrogation with one of the witness named Zairemtluangi, she mentioned that she had eye witnessed the incident and her statement recorded. Having found a prima facie case u/s 354A(2) IPC r/w Sec. 8 of POCSO Act well-established against the accused AltabHussainLaskar (20 yrs) s/o AkramAli Laskar of Bilaipur, Lalpani, case I/O submitted charge sheet against him.

3. All the police reports and its connected papers were furnished to the accused. As the accused had no means to engage lawyer advocate PuH.Lalrinthanga is appointed to defend the accused u/s 304 of Cr.P.C at the State's expense. And after hearing both Public Prosecutor and Defense, charge u/s 10 of POCSO Act, 2012 is framed readover and explained to the accused in the language he understands to which the accused pleaded not guilty and claimed for trial. Hence, trial proceeds.
4. In order to bring home the charge against the accused prosecution examined the following witness:-

PW No.1 Lalramhlunastated that he know the accused person in this case. On 1.4.2015 at about 1:00 Pm he was in their house by playing carom board with his friends. At that time his two daughters namely Judy Ramnunnemi (4yrs) and JubilyLalramdini (2yrs) are playing each other outside their house. At that time one non-mizo person namely Altab-a, who is a resident of Bilaipur, Cachar District, Assam came and he told his two daughters to touch his private part(penis) and his two daughters touches his penis and Pi Zairemi W/o Lalthianghlina of State Veng, Vairengte also witnessed the incident. His said youngest daughter JubilyLalramdini also told the incident to her mother. Later on he come to know that the said non-mizo person Altab-ais a sub-contractor under Military Engineering Service (MES) working under MP Sharma of Silchar.

The MizoHmeichheInsuihkhawm Pawl (MHIP) members Vairengte, State Veng came to know the incident and as they are very angry at the accused person then they come together to the Vairengte Police Station and a complaint was made in his name. As his said two daughters are too young to go to Aizawl to give their evidence and they could board on a vehicle. On such circumstances he had no objection to dispose of the case at this stage.

Exbt. P-1 is the FIR submitted by him to the Vairengte P/S.

His statement was recorded at the police station.

5. As the complainant Pw No.1 repeatedly pleaded before the Court that his two daughters are too young to come to Aizawl by a vehicle, they could not board a vehicle as they are vomiting whenever they are boarded a vehicle. Besides the accused did not committed aggravated sexual assault upon his daughters he wanted to dismiss the case. He also stated before the Court that he does not want to submit FIR but was also instigated by

the gathering public, so he repeatedly stated that the two victims are too young and they would not come to the Court.

6. Such being the situation the Ld.Spl.PP also agrees that to insist on bringing the two victim age 2 and 5 years respectively to Aizawl from Vairengte would amount to harassment and therefore suggested that the two young victims may have already forgotten the whole incident as they are too young to remember.
7. On consideration of the situation face by the complainant and on consideration of the nature of accusation I am also convinced that the two victims are too young to be examining in the Court and hence dispensed them from appearing before the Court. From the sole testimony of the complainant the accused may not be convicted on the charge section. And on perusal of case record the accused had been in the judicial custody for about 4 months as UTP before he was enlarged on bail.
8. On consideration of all the facts and situations stated above I am convinced that prosecution is not able to prove the guilt of the accused and hence accused Altap Hussain Laskar is acquitted from the charge section.
9. Bail bond shall stand cancelled and bailer shall be from the bail bond. Give copy of this order to all concerned.

Sd/-LUCY LALRINTHARI
Special Judge, POCSO
Aizawl Judicial District, Aizawl.

Memo No

Dated Aizawl the 2nd December 2015.

Copy to:-

- 1) Altap Hussain Laskar C/o Mr. Saurabh Pradhan, Advocate.
- 2) Mrs. K. Lalremruati, Spl. P. POCSO Act.
- 3) DSP Prosecution.
- 4) O/C Vairengte P/S.
- 5) In charge, Judicial Section.
- 6) Case record.
- 7) Guard file.

Peshker