

FORM-A

**DECISION IN THE ORIGINAL JURISDICTION
IN THE COURT OF ADDITIONAL SESSIONS JUDGE-CUM-SPL. COURT
(UNDER POCSO ACT), SAMBALUR.
DISTRICT: SAMBALPUR**

PRESENT:

Shri Soumyak Patra,
(JO Code: OD00276)
Addl. Sessions Judge-cum-Spl. Court,
(under POCSO Act), Sambalpur.

Date of judgment: This the 30th day of June, 2026

Spl. GR. Case No. 16 of 2024
(Arising out of Town P.S. Case No. 151 dated 16.4.2024)
Regd. No. 29 of 2024

(Details of FIR / Crime and Police Station)

Complainant/Informant	Name: (Father of the victim)
REPRESENTED BY	Sri Prasanna Kumar Sahoo, Spl.P.P, Sambalpur
ACCUSED	1. Md. Zamal, S/o- Md Amirullaha, aged about 29 years, R/o- Sonapali, Rajanagar, P.S.- Dhanupali, District- Sambalpur.
REPRESENTED BY	Sri Md. Ansari, Advs. Sambalpur.

FORM-B

Date of Offence	14.4.2024
Date of FIR	16.4.2024
Date of Charge-sheet	12.6.2024
Date of Framing of Charge	4.10.2024
Date of commencement of evidence	19.12.2024
Date on which judgment is reserved	12.6.2026
Date of Judgment	30.6.2026
Date of the Sentencing Order, if any	N/A

ACCUSED DETAILS:

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted/ convicted	Sentence imposed	Period of Detention for sec 428, CrPC
A1	Md. Zamal	16.4.2024	26.4.2024	U/s. 447/354-A of the IPC r/w section 12 of POCSO Act	Convicted	R.I for 1 year and fine of Rs 5,000/-, i.d. R.I. for 2 months for the offence u/s 12 of POCSO Act	From 16.4.2024 to 26.4.2024

Status of the accused: Accused is on bail and present today.

J U D G M E N T

The accused as named above stands charged for the offences punishable u/s. 447/354-A of the Indian Penal Code with section 12 of the Protection of Children from Sexual Offences Act, 2012 (here-in-after referred to as ‘IPC’ & ‘POCSO Act’) for having committed criminal trespass into the house of the informant and sexually harassed the victim who was a child.

2. It was held in ***Bhupinder Sharma vs. State of U.P: (2008) 8 SCC 551***, that;

“keeping in view of the social object of preventing social victimization and ostracism of the victim of a sexual offence for which Section 228-A of IPC has been enacted, it would be appropriate that in the judgments, be it of a High Court or a Lower Court, the name of the victim should not be indicated. In view of the above provisions and Section 228-A of IPC, disclosure of identity of the victim is not made.”

3. The case of the prosecution in brief is that on 14.4.2024 at about 8.00 p.m. the accused came to the building where the informant was staying and was looking for one Snehalata Senapati (Lipi) who was residing down stairs. Since she was not home, the accused came upstairs to the house of the informant and knocked the door. When the victim asked from inside the house as to who he was, he replied saying he had come from the laundry. The victim checked with her mother if they had any clothes for the laundry, and upon receiving a negative response, she opened the door to inform the accused. At that time the accused forcibly took her hand and shook it. He told that the victim was looking very cute and asked for her telephone number. When the victim denied, the accused insisted that she gave a kiss to him. The victim got terrified and closed the door. Since the informant was not at home the victim did not talk about the incident before anyone and on 15.4.2024 at 10.00 p.m. she had disclosed everything before him. When the informant asked Lipi Sentapati about the occurrence she called the accused up and asked him to come to the colony. When the accused came there, the people of that colony asked him about the incident and he admitted to have committed the said act. The informant lodged FIR at Town P.S. Basing on the report Town P.S. case no. 151 was registered by the IIC u/s. 447/354-A r/w section 12 of POCSO Act was registered and investigation was taken up. After completion of the investigation, the IO submitted Charge-sheet under the said sections against the accused in the Court.

Charge against the accused **u/s 447/354-A of the IPC r/w section 12 of POCSO Act** was framed, to which he pleaded not guilty and claimed for trial.

4. The plea of the defence is one of complete denial of the prosecution case.

5. The points to be determined in this case are:-

- i. Whether on 14.4.2024 at about 8.00 p.m. the accused entered into the house of the informant with intent to commit an offence.
- ii. Whether on the above mentioned date and time the accused sexually harassed the victim.
- iii. Whether on the above mentioned date and time the accused sexually harassed the victim who is a girl below the age of 18 years.

6. In order to establish its case, the prosecution has examined as many as seventeen witnesses. Out of the said witnesses, PW1 is the mother of the victim. PW2 is the victim. PW3 is the informant as well as father of the victim. PW4, PW5, PW6, PW7, PW11, PW14, PW15 and PW16 are the independent witnesses to the occurrence. PW8 is a person who took the seized school Admission Register in his zima. PW9, PW10, PW12 and PW13 are the witnesses to the seizures. PW17 is the Investigating Officer in this case. The prosecution also proved certain documents which are marked as Ext.P-1 to Ext.P-9. The accused on the other hand has examined himself as DW1 and his brother as DW2. However, he has not proved any document on its behalf.

7. The age of the victim girl as per her own evidence was 12 years at the time of the occurrence. Her parents have also stated that her age was 12 years by then. Apart from the oral evidence, the prosecution has also produced the School Admission Register (Ext.P-7) to prove the age of the victim girl. The relevant entry in the said register has been marked as Ext.P-7¹. The said entry shows that the date of birth of the victim girl is 9.9.2012. The case of the prosecution is that the occurrence took place on 14.4.2024. So, on calculation the age of the victim girl would be just 11 years 7 months 5 days, which is obviously below the age of 12 years.

8. Hon'ble Supreme Court of India in the case of Jarnail Singh vs. State of Haryana has given the guidelines regarding the determination of age, which are as follow: -

“On the issue of determination of age of a minor, one only needs to make a reference to Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 (hereinafter referred to as the 2007 Rules). The aforesaid 2007 Rules have been framed under Section 68(1) of the Juvenile Justice (Care and Protection of Children) Act, 2000. Rule 12 referred to hereinabove reads as under:

Procedure to be followed in determination of Age;

(1) In every case concerning a child or a juvenile in conflict with law, the court or the Board or as the case may be the Committee referred to in rule 19 of these rules shall determine the age of such juvenile or child or a juvenile in conflict with law within a period of thirty days from the date of making of the application for that purpose.

(2) The Court or the Board or as the case may be the Committee shall decide the juvenility or otherwise of the juvenile or the child or as the case may be the juvenile in conflict with law, prima facie on the basis of physical appearance or documents, if available, and send him to the observation home or in jail.

(3) In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the

court or the Board or, as the case may be, the Committee by seeking evidence by obtaining

(a) (i) the matriculation or equivalent certificates, if available; and in the absence whereof; (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof; (iii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact assessment of the age cannot be done, the Court or the Board or, as the case may be, the Committee, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year.

The School Admission Register of Guru Nanak Public School proved by the prosecution shows that the date of birth of the victim girl is mentioned as 9.9.2012 (Ext.P-7). Admittedly neither the matriculation certification nor any equivalent certificate has been produced by the prosecution. The prosecution has produced the date of birth certificate given by Keonjhar Municipality. The entries in the birth certificate and the School Admission Register find support from the oral testimony of the witnesses examined in the Court. The mother of the victim girl has stated her age to be 12 years at the time of the occurrence. Her father has also stated likewise. The I.O. (P.W.17) has stated that she found the date of birth of the victim girl to be 9.9.2012. The defence, as it appears from the cross-examination of PW8, has attempted to dispute the age of the victim. In the cross-examination it has been suggested to PW8 that column-12 of the Admission Register mentions the date of birth but does not mention the basis on which it is ascertained. This suggestion has been admitted to by PW8. However, in his

examination in chief he has clearly stated that the victim took admission in their school on the basis of her Birth Certificate. The defence has not produced any kind of evidence in the Court to establish that the victim girl was more than 12 years old at the relevant time. The occurrence took place on 14.4.2024. As per the entry in the school register the victim girl should not be more than 12 years and some days of age at the relevant time. The Admission Register produced by the prosecution in proof of the age of the victim girl was duly seized by the Investigating Officer and that Register reveals the date of birth of the victim girl to be in the year 2012. As per section 35 of Indian Evidence Act the Register is relevant as it states about the fact in issue. Therefore, the said register is relevant and can be relied upon. Though the certificates required under Rule 12 of the J.J. Act have not been filed, the oral as well as the documentary evidence available on record prove that the victim girl was a child, as defined under the Act, at the time of the occurrence and was also under the age of 12 years.

9. The next consideration is, whether the accused sexually harassed the victim so as to be liable u/s 12 of the POCSO Act. The evidence of the victim girl (PW2) in this regard is that on 14.4.2024 at about 8.00 p.m. she along with her mother had returned after having *prasad* (offerings) from the nearby temple. The accused knocked their door and when she opened the accused told that he was a *laundry wala* (washer man). He further asked her to enquire from her mother as to whether they had any cloth to give them. She went inside and as per her

mother's direction she came outside and refused him. Then the accused enquired about one Lipi who used to live in the ground floor in the rented house. When she denied having any information about Lipi the accused asked for her telephone number. On her refusal he pulled her hand and planted a kiss on it. The witness initially did not say on which hand the accused had planted the kiss, but on being asked by the Court she told that the accused had kissed her left hand. As per the further statement of the victim the accused then stated that "*tu bahut sundar disuchu*". Then the accused started looking at her in a weird manner and asked to plant a kiss on his cheek. Then she immediately closed the door. She disclosed about the matter to her father on the next day evening.

The evidence of the victim regarding the alleged occurrence has substantially been supported by the evidence of her parents. The mother of the victim (PW1) has narrated the incident almost in the same manner as that of the victim. However, she has not stated about the accused asking the victim to kiss on his cheek. The father of the victim has also described the incident saying that the accused asked for the victim's telephone number. Further, the accused shook her hand and planted a kiss on it. He also has not mentioned about the accused asking the victim to plant a kiss on his cheek. Both the parents of the victim have stated that after hearing about the incident from the victim they immediately called up Lipi asking her to call the accused on the next day to their house. The said person who has been examined as PW15 has stated she was not present

on the relevant date. She returned on 15.4.2024 and in the evening she was called by the informant and intimated that the person who used to carry out the laundry work had misbehaved with the victim and asked her to call the accused.

10. Admittedly, no one except for the victim has seen the occurrence. Nevertheless, the evidence of her parents are significant for reaching at the right conclusion since they are the people to whom the victim told about the occurrence at first. The knowledge of the independent witnesses is based on whatever they were told by the informant and others. According to PW4 and PW7 they got to know about the occurrence from the victim herself. PW5 says that he was intimated by the father of the victim. PW6 says that he was intimated by some locals. In that way, the evidence of the independent witnesses are based on hearsay. PW4 who claims to have been told by the victim about the occurrence, has stated that she came to know that the accused pressed the cheeks of the victim and told that she (the victim) was beautiful. Her further evidence is that the accused pulled the hand of the victim and gave a kiss on her cheeks. The victim herself has never alleged that the victim kissed on her cheeks. Therefore, it does not seem believable that she would have told anything of that sort to PW4. In the cross-examination, it is the evidence of PW4 that the accused had pulled the right hand of the victim and planted a kiss on her right hand and cheeks. PW7 has also stated about the accused pulling the hands of the victim and planting a kiss on the cheek. PW5 in her evidence has stated that the accused pulled the right hand of the

victim and planted a kiss on it. There is a contradiction in the evidence of the witnesses regarding the exact hand on which the accused allegedly had planted the kiss. However, those witnesses were obviously not present when the alleged occurrence took place and their testimony is purely based on hearsay. Since they have not seen the occurrence, there is bound to be some discrepancy in their evidence. The parents of the victim had been told by the victim herself about the doings of the accused. Both of them have stated that they were told by the victim that the accused kissed on her hand. The father of the victim who had lodged the FIR has not mentioned about the accused kissing the hand of the victim. This fact has been admitted by him in the cross-examination wherein he has stated that he has not mentioned in the FIR that the accused planted a kiss on his daughter's hand. Though the parents of the victim have stated about the accused kissing the hand of their daughter, they have nowhere stated as to on which hand the accused had kissed the victim. The victim in her evidence has stated that the accused kissed her left hand. Except for her, none of the witnesses has stated about the accused kissing the left hand of the victim. When the alleged occurrence occurred, except for the victim and the accused no one else was present there. Therefore, the evidence of the victim in this situation is of utmost importance. There might be some contradictions here and there in the evidence of the independent witnesses and even in the evidence of the parents of the victim for that matter, but the same does not render the reliable evidence led by the prosecution in the form of the victim, untrustworthy. Hon'ble

Supreme Court of India in the case of *State of Punjab Vs. Gurmit Singh*, reported in (1996) 2 SCC 384 held that:

“In cases involving sexual harassment, molestation, etc. the court is duty bound to deal with such cases with utmost sensitivity. Minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. Evidence of the victim of sexual assault is enough for conviction and it does not require any corroboration unless there are compelling reasons for seeking corroboration.”

When the witnesses have not seen the occurrence and their account of the happenings is based on hearsay, it cannot be expected of them that they will depose about the occurrence with the same accuracy as that of an eye witness.

11. It is a well-known proposition of law that an accused is presumed to be innocent until proven guilty. However, so far as a case under the POCSO Act is concerned, the situation is somewhat different. Section 29 of the Act speaks about the reverse burden which is on the accused and it creates a presumption of guilt on his part

Section 29 of the Act reads as follows:

“Presumption as to certain offences.--Where a person is prosecuted for committing or abetting or attempting to commit any offence under Sections 3, 5, 7 and Section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.”

However, in the present case since the accused is charged with the offence punishable u/s 12 of the Act, such presumption u/s 29 of the Act is not applicable.

That apart Section 30 reads as follows:

1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.-In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

In the above stated provision of the Act, the burden is on the accused to establish that he is innocent and he did not have any such mental state in respect to the Act charged as an offence against him.

12. The plea of the accused in his defence is that he has been falsely implicated by the informant as he belongs to a different religion than that of the informant's. The accused who has been examined as D.W.1 has stated in his evidence that on 14.4.24 and 15.4.24 he had been in house and had not gone outside as his elders had asked him not to move out during 'Hanuman Jayanti' due to religious instability. In his examination u/s 313 of the CrPc also the accused has stated that on 14.4.24 he was in his home. From this it clearly appears that he has taken the plea of alibi. However he has not been able to bring any evidence or circumstance on record to establish that he was in his house on 14.4.2026. As per his version on 15.4.2024 he got a telephone call from Lipi didi asking him to visit her on the next day. Accordingly, on the next day he went to Lipi didi and from there he was sent to the house on the top floor. Though the accused

denies to have come out his house on 14.4.2024 when the alleged occurrence took place, the evidence already available on record speaks otherwise.

It was submitted by the Id. counsel for the accused during the arguments that there are material contradictions in the facts narrated in the FIR by the informant with that of his evidence before the Court. The Id. counsel pointed out that the informant in his evidence has stated that he was told by the victim that the accused asked him to plant a kiss on his cheek which is an exaggeration and super addition. In this regard he placed reliance on a decision of the Hon'ble Apex Court in *SLP (Criminal) No. 2184 of 2024* in the case of *B.N. John vs. State of U.P. & Anr* wherein the Hon'ble Court at Para-27 has held as under:

“If such vital and crucial facts are missing from the FIR of which the complainant was fully aware of and was already cognizant of, which he could have mentioned at the first instance, it would indicate that any subsequent mentioning of these facts in this case by the complaint would be an afterthought as has happened in the present case.”

In that particular case the Hon'ble Court had given the observation basing on the fact that there was no mention at all regarding use of criminal force against a public servant bringing the act within the scope of section 353 of IPC. The facts of the present case are some what different as the informant has mentioned about the act of the accused which would attract the provisions of section 11 of the Act. Then might be some addition in the evidence of the informant to the facts narrated in the FIR, but that is no sufficient to absolutely discard the FIR.

The evidence of the victim has been consistent and trustworthy and it has stood the test of cross examination.

Another plea of the defence is that there was injury on the person of the accused which has not been explained by the prosecution. In this regard the ld. counsel relied on the decision of the Hon'ble Apex Court in the case of *Nandlal and Others Vrs. State of Chhattisgarh* reported in *2023 SCC Online (SC)* and submitted that non-explanation of injuries in person of the accused is fatal to the prosecution case and the accused persons are entitled to be acquitted on the ground of non-explanation of such injuries.

In the case at hand it has been the contention of the accused that he was assaulted by the people and also by the police in which he sustained injuries. The accused is being prosecuted for the offence which took place on the previous day and if his version is to be believed then he sustained the injuries on the next day. Therefore, it is obvious that he did not receive the injuries in the same occurrence.

13. The ld. counsel for the accused argued that as per the evidence of the prosecution witnesses the victim did not tell her mother immediately after the occurrence though she was present in the house. She only mentioned about it to her father on the next day. She pointed out the evidence of the mother of the victim wherein she has stated that she has got good relationship with the victim and she says her interest and opens up her mind before her and also about day to day experience.

The victim may be very comfortable with her mother sharing a good relationship with her. However, it is not known how far she was comfortable in talking about whatever happened with her, to her mother. It might so be the case that the victim would be more comfortable with her father in sharing the things that happened to her, than her mother. Merely because she did not tell about the occurrence to her mother the evidence which has remained un- blemished cannot be doubted. No doubt she has stated something more about the occurrence which has not been mentioned by her father in the FIR, but considering the fact that she was the one who had faced the unpleasant situation, would be more capable to narrate the incident exactly the way it unfolded.

It is another plea of the defence that the accused was called to the place where the alleged occurrence took place and he instead of running away preferred to come there. This shows that he did not have any culpability in his mind. It is true that the accused after being called by PW15 had in fact visited her house. This act of his does not suggest that, since he believed that he did not commit the crime, came to the spot on being called. He might have come to the spot in order to give an impression that he had not done anything and therefore, had nothing to fear about. Hence, this plea of the defence does not appear to be very convincing.

14. The accused has been charged for commission of the offences punishable U/s. 447/354(A) and section 12 of the POCSO Act. It is the consistent evidence of the witnesses that

the accused had knocked the door of the house of the informant and when the victim opened the door he did the alleged acts. Section 447 of IPC provides for punishment for criminal trespass. However, the very act of trespass requires the trespasser to enter into any property. In the case at hand, it is clear from the evidence that the accused had never entered the house of the accused. Therefore, he cannot be said to have committed criminal trespass. The accused has further been charged for having committed the offence punishable u/s. 12 of the POCSO Act which is punishment for sexual harassment. Sexual harassment has been defined u/s. 11 of the POCSO Act. Likewise, he also has been charged for the offence punishable u/s. 354A of the IPC which also deals about sexual harassment. As discussed above the evidence of the victim has not been dislodged in the cross-examination. As per her evidence the accused had pulled her hand and kissed it. He also looked at her in a manner which was weird. It has been already discussed that there are contradictions in the evidence of her parents with that of hers. However, such contradictions are natural to happen as her parents had not seen the occurrence. Therefore, this Court does not find any reasonable cause not to believe in the evidence of the victim. The act of the accused pulling the hand of the victim, kissing it and looking at her in a weird manner and then asking her to kiss on his cheek clearly falls under the definition of sexual harassment. The manner of the commission of the acts speaks volumes about the sexual intent of the accused. Therefore, the offence of sexual harassment has been proved against the accused. It has also been held earlier that the age of

the victim girl was 12 years at the relevant time, which makes the accused liable for having committed sexual harassment punishable u/s. 12 of the POCSO Act. The evidence of the victim girl that the accused had asked her to kiss him on the cheeks, might be in contradiction with the evidence of her parents in that regard, but the same does not render the reliable evidence led by the prosecution, untrustworthy. Hon'ble Supreme Court of India in the case of **State of Punjab v. Gurmit Singh, (1996) 2 SCC 384** held that:

“In cases involving sexual harassment, molestation, etc. the court is duty bound to deal with such cases with utmost sensitivity. Minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. Evidence of the victim of sexual assault is enough for conviction and it does not require any corroboration unless there are compelling reasons for seeking corroboration.”

In the case at hand, the contradictions in the evidence of the witnesses are not material enough to affect the whole case of the prosecution, adversely. Therefore, basing on these minor contradictions, the convincing evidence, available on record cannot simply be discarded. One thing which is quite natural to assume for a person of ordinary prudence is that no father or mother would stoop so low to bring the chastity of their minor daughter in question only because they have an axe to grind against the accused.

15. From the above discussion of the oral as well as documentary evidence on record and other material on record, it is seen that, the age of the victim girl has been proved to be 12 years at the time of the alleged occurrence. It has further been

proved that the accused committed sexual harassment to the victim. The oral evidence of the witnesses examined by the prosecution has stood the test of cross-examination and no glaring contradiction has been found which would make the prosecution case unreliable. Therefore, the offences punishable u/s. 354-A of the IPC and 12 of POCSO Act are made out against the accused. Considering all these aspects, the accused namely Md. Zamal is found guilty of the offences punishable u/s. 354-A of IPC and section 12 of POCSO Act and convicted thereunder. However, he is found not guilty of the offence punishable u/s 447 of the IPC and acquitted from the said charge as per Section 235(1) of the CrPC.

16. Sexual offences against a victim girl are very degrading for her mental state. Such offences assume more seriousness especially when the victim girl is of such tender age as in this case. The offences proved against the convict are serious in nature, keeping in view the sentiments of our society such offenders do not deserve any leniency and are not entitled to get any of the benefits provided under the provisions of the Probation of Offenders Act.

The Judgment is pronounced in the Open Court on this **30th day of June, 2026** my hand and seal of the Court.

Sd/-

**Addl. Sessions Judge-cum- Special Court,
(under POCSO Act), Sambalpur.**

Typed out to my dictation
and corrected by me.

Sd/-

**Addl. Sessions Judge-cum- Special Court,
(under POCSO Act), Sambalpur.**

HEARING ON THE QUESTION OF SENTENCE

Heard the convict and his counsel as well as the learned Special P.P. on the question of sentence. The learned counsel for the convict submitted that the accused is not a habitual offender and therefore lenient view may be taken while imposing punishment. The learned Special P.P. on the other hand, submitted that the offences of such nature are not ordinary in nature and have got huge effect on the society. So, the convict deserves exemplary punishment.

Having heard the learned counsel for the accused and learned Special P.P. on the sentence, this Court sentences the convict Md. Zamal to undergo Rigorous Imprisonment for 01 (One) year and pay fine of ₹ 5,000/- (Five Thousand) for the offence punishable U/s. 12 of the POCSO Act and in default of payment of such fine, undergo further Rigorous Imprisonment of 2 (Two) months. Though the convict has also been found guilty for commission of the offence U/s.354-A of the IPC, no separate sentence as prescribed under the section is awarded, as per the provisions of Section 42 of the POCSO Act. The period of detention undergone by the convict as U.T.P. be set off against the term of imprisonment imposed on him as per the provisions of Section 428 of the Cr.P.C. The fine amount to be realized

from the convict shall be paid to the victim girl as contemplated under Section 357 of Cr.P.C.

The zimanama be cancelled and the seized School Admission Register be returned to the school. The other seized articles if any, be destroyed after four months of the appeal period in case of no appeal and in case of appeal, the same be dealt with as per the direction of the appellate Court.

The Sentence is pronounced in the Open Court on this **30th day of June, 2026** under my hand and seal of the Court.

Grant free copy of the judgment to the convict.

Sd/-

**Addl. Sessions Judge-cum- Special Court,
(under POCSO Act), Sambalpur.**

Typed out to my dictation
and corrected by me.

Sd/-

**Addl. Sessions Judge-cum- Special Court,
(under POCSO Act), Sambalpur.**

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses:		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT

		WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Mother of the victim	Other Witness
PW2	Victim	Victim
PW3	Father of the victim	Informant
PW4	Kalyani Prasad	Other Witness
PW5	Debaraj Patel	Other Witness
PW6	Deepankar Ray	Other Witness
PW7	Hari Haripal	Other Witness
PW8	Prasanta Kumar Babu	Seizure Witness
PW9	Sanjib Kumar Barik	Seizure Witness
PW10	Sudhansu Sekhar Purohit	Seizure Witness
PW11	Satyendra Kar	Other Witness
PW12	Padmalochan Naik	Seizure Witness
PW13	Pramesh Ulaka	Seizure Witness
PW14	Pabitra Mohan Kandi	Other Witness
PW15	Snehalata Senapati	Other Witness
PW16	Jayanta Kumar Swain	Other Witness
PW17	Deeptimayee Mishra	Police Witness (I/O)
B. Defence Witness, if any:		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	Md. Zamal	The accused
DW2	Md. Zafar	Other Witness
C. Court Witnesses, if any:		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. Prosecution Exhibits:		

Sl.No.	Exhibit Number	Description
1.	Ext.P-1	Statement of PW1 recorded u/s. 164 of Cr.P.C.
2.	Ext.P-1 ¹	Signature of PW1 on Ext.P-1
3.	Ext.P-1 ²	Signature of PW1 on Ext.P-1
4.	Ext.P-2	Statement of PW2 recorded u/s. 164 of Cr.P.C.
5.	Ext.P-3	Plain paper FIR
6.	Ext.P-3 ¹	Signature of PW3 on Ext.P-3
7.	Ext.P-4	Seizure list with respect to the birth certificate of the victim
8.	Ext.P-4 ¹	Signature of PW3 on Ext.P-4
9.	Ext.P-5	Seizure list with respect to the School Admission Register
10.	Ext.P-5 ¹	Signature of PW8 on Ext.P-5
11.	Ext.P-6	Zimanama of Ext.P-5
12.	Ext.P-6 ¹	Signature of PW8 on Ext.P-6
13.	Ext.P-7	Original School Admission Register
14.	Ext.P-7 ¹	Relevant entry bearing No. 6497/1920
15.	Ext.P-5 ²	Signature of PW9 on Ext.P-5
16.	Ext.P-5 ³	Signature of PW10 on Ext.P-5
17.	Ext.P-4 ²	Signature of PW12 on Ext.P-4
18.	Ext.P-4 ³	Signature of PW13 on Ext.P-4
19.	Ext.P-3 ²	Signature of the IIC on Ext.P-3
20.	Ext.P-4 ⁴	Signature of PW17 on Ext.P-4
21.	Ext.P-8	Spot map
22.	Ext.P-8 ¹	Signature of PW17 on Ext.P-8
23.	Ext.P-5 ⁴	Signature of PW17 on Ext.P-5
24.	Ext.P-6 ²	Signature of PW17 on Ext.P-6
25.	Ext.P-9	Requisition
26.	Ext.P-9 ¹	Signature of PW17 on Ext.P-9
B. Defence Exhibits, if any:		
Sl.No.	Exhibit Number	Description

	Nil.	
C. Court Exhibits, if any :		
Sl. No.	Exhibit Number	Description
	Nil.	
D. Material Objects:		
Sl. No.	Material Object Number	Description
	Nil.	

Sd/-
Addl. Sessions Judge-cum- Special Court,
(under POCSO Act), Sambalpur.