

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, FTC, BISWANATH CHARIALI,SONITPUR, ASSAM**Sessions Case No. 103/2017****u/s 366-A IPC**

(Arising out of GR Case No. 10/2017)

State of Assam

-vs-

Sri Amrit Bibhar

..... Accused person



Present: Sri Dipankar Bora, MA, LL.M., AJS,
Additional Sessions Judge, FTC,
Biswanath Chariali, Sonitpur.

Committed by:
Learned SDJM(M), Gohpur

Advocates Appeared:-
For the prosecution: Ms. J. Kalita, learned Addl. P.P
For the defence : Mr. ~~A. Borah~~, learned Advocate.

Dates of recording Evidence: 17.05.2018, 03.05.2019.

Date of Argument : 03.05.2019.

Date of Judgment : 03.05.2019.

J U D G M E N T

1. The prosecution case in brief is that on 07.01.2017 the informant namely, Sri Rupa Sona lodged an FIR with the OC, Gohpur PS stating inter alia that on the previous day at about 10 AM, his 16-year-old daughter was forcibly taken away by the accused from his house situated at Nayaghagra Itabhata Line.
2. Receiving the same, the police registered a case and investigated the matter. After investigation, the police submitted charge-sheet against the accused person u/s 366(A) IPC.
3. The accused person in due course, appeared before the court of Learned SDJM(M), Gohpur, wherein the copies of the relevant documents were furnished to him. As the offence charged u/s 366(A) IPC is exclusively triable by the Court of Sessions, the case was committed which was later made over to this court for disposal.
4. After appearance of the accused person before this court and upon hearing both the sides

Done
3/5/19
Addl. Sessions Judge
Biswanath Chariali, Sonitpur

on the point of charge, taking note of the materials furnished u/s 173 CrPC, as my learned predecessor found grounds for presuming that the accused person had committed an offence u/s 366(A) IPC, the charge was accordingly framed against him, which on being read over and explained, the accused person pleaded not guilty.

5. During trial, the prosecution examined the informant and the alleged victim as PW 1 and PW2 respectively. Taking note of the evidence as adduced by both these vital witnesses, the prosecution declined to examine the remaining witnesses contending that further evidence would not strengthen its case. Taking note of the evidence on record, the prosecution evidence was closed. As no incriminating evidence was found against the accused in the evidence of these two vital witnesses, the prosecution evidence was closed and the examination of the accused u/s 313 CrPC was dispensed with. The case was thereafter argued by both the sides.

Points for determination

Whether the accused person on the day of the alleged occurrence kidnapped the said victim who is a minor girl under the age of 18 years to go with intent that she may be or knowing it to be likely that she will be forced to illicit intercourse with another person?

Discussion, Decision and Reasons thereof

6. PW 1 is the informant and the father of the alleged victim. He stated that the accused is his son-in-law. According to him, when the victim was 19 years of old, she one day went missing. He out of suspicion lodged the FIR against the accused, which he proved as Exbt.1. Later he could learn that the accused did not forcibly take his daughter with him.
7. PW 2 is the victim. She stated that she went along with her friends to Bengaluru for works at that relevant time, when she was 19 years of old. According to her, her family members sent the accused to Bengaluru to bring her back but as she returned back along with the accused, the villagers looked at the accused suspiciously and for this reason, she had married the accused. She stated that the accused is innocent. She proved her statement recorded u/s 164 CrPC as Exbt. 2 wherein too she had stated that her father had lodged the FIR against the accused out of misunderstanding.
8. Thus from the evidence of both these vital witnesses and more particularly from the evidence of the alleged victim- PW 2, we do not find any evidence against the accused person in order to convict him on the offence charged against him. The prosecution has failed to prove its case and as such I acquit the accused person from the offence charged against him and set him liberty forthwith. The provision of Sec. 437-A CrPC is not complied with after taking note of the evidence on record. A copy of the judgment be forwarded to the District Magistrate, Sonitpur in compliance with the sec. 365 Cr.P.C. The case is



[Handwritten Signature]
3/5/19
Addl. Sessions Judge
District Court, Sonitpur

disposed of.

Given under my hand and seal of this court on this the ~~3rd~~ day of May, 2019.



(D. BORA) 2/5/19
Additional Sessions Judge, FTC,
Biswanath Chariali, Sonitpur, Assam.

Additional Sessions Judge
Biswanath Chariali, Sonitpur

ANNEXURE

Witnesses examined by the Prosecution:

PW1-Sri Rupa Sona

PW2- Victim



Exhibits proved by the prosecution witnesses:

Ext. 1- FIR

Ext.2- Statement of the victim u/s 164 CrPC

Witnesses examined by the Defence:

None.

Documents exhibited by the Defence:

None.

M
31/5/19

Addl. Sessions Judge
Lawanagar, Sonitpur