

**IN THE COURT OF ADDL. SESSIONS JUDGE:: SONITPUR,  
TEZPUR:: ASSAM**

**PRESENT:-** N. AKHTAR, AJS  
Addl. Sessions Judge,  
Sonitpur::Tezpur.

**Sessions Case No. 227 of 2019**

U/s 366-A of IPC.

State of Assam

-Vs-

Durjon Gorike @ Lakhindor

FOR THE PROSECUTION	:-	Ms. R. Chakravarty, Addl. P.P.
FOR THE DEFENCE	:-	Ms. R. Doimary, Advocate.
EVIDENCE RECORDED ON	:-	17.02.2021.
ARGUMENTS HEARD ON	:-	17.02.2021.
JUDGMENT DELIVERED ON	:-	17.02.2021.

**JUDGMENT**

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1. The case of the prosecution in brief is that on 23.9.2018 since about 8 pm, the daughter of the informant went suddenly missing and on enquiry being made, it came to light that the accused above-named had kidnapped her. Hence, the FIR was lodged.
2. Based on the said FIR, a case was registered and after completion of investigation, the accused was charge-sheeted U/s. 366-A of the IPC.

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3. On appearance of the accused person, copies of relevant documents were furnished to him in compliance of the provision of Sec.207 CrPC and the case being one triable exclusively by the learned Court of Sessions, the same was committed to the learned Court of Sessions for trial whereupon the same was again re-transmitted to this court for disposal.
4. Having heard both the sides and considered the materials on record, a formal charge was framed against the accused u/s 366-A of the IPC and had been read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
5. During trial, the prosecution has examined as many as 2 (Two) witnesses. Defence has not adduced any evidence. At the end of the trial, the argument advanced by the learned counsel for both the sides were heard at length.

**POINT FOR DETERMINATION**

- *Whether the accused on the alleged night of occurrence, induced the minor daughter of the informant to go with him with intent that she would be forced to seduced to illicit intercourse with another person and thereby committed an offence u/s 366-A of the IPC ?*

**DISCUSSIONS, DECISIONS AND REASON FOR DECISION**

6. I have heard the arguments advanced by learned counsel for both the sides and also gone through the evidence on record including the law relevant to the issue in hand.
7. PW1 (Smt. Nirupama Bhuihar) is the informant of the case and is the mother of the alleged victim girl. Her evidence goes to show that on the alleged day of the occurrence, her daughter suddenly went missing from her house and so, she lodged the FIR but later she got to know

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that her daughter had a love affair with the accused and she voluntarily went away with the accused. She had further deposed that she lodged the FIR out of misunderstanding and also that the matter is later, amicably settled.

8. PW2 is the alleged victim girl whose evidence goes to show that she was in love with the accused for quite some time and on the night of the occurrence; she called him over phone and asked him to take her away as she wanted to marry him. The accused accordingly took her away and kept her in his elder sister's house for about a week. The accused did not do any sexual act with her during that period. She had also stated that the FIR was lodged out of misunderstanding and that the matter was later amicably settled.
9. This is precise the evidence on record. It appears from the aforesaid evidence that there is nothing on record to show that the accused had committed any offence as alleged. It rather appears that the prosecutrix herself called the accused over phone and asked him to take her away as she wanted to marry him because she was in love affair with the accused. Thus, the accused took her away with him and kept her in his elder sister's house for a week. She had also stated that the FIR was lodged by her mother out of misunderstanding. It further appears that the accused did not do any sexual act with the prosecutrix. Thus, the evidence on record is absolutely deficient to bring home the charge against the accused.
10. **In the result and for the reasons and discussions made herein above,** I have no hesitation in my mind in holding that the prosecution has failed to prove its case against the accused person beyond all reasonable doubts. ***He is hence, not found guilty of any offence as charged and as such, acquitted of the same and set at liberty forthwith.***

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11. Forward a copy of this judgment to the District Magistrate in compliance of Sec.365 CrPC.

***Given under my hand and seal of this court on the 17<sup>th</sup> day of February/2021.***

**Typed and Corrected by me:**

Addl. Sessions Judge,  
Sonitpur:: Tezpur.