

IN THE COURT OF ASSISTANT SESSIONS JUDGE, SONITPUR, TEZPUR.

SESSIONS CASE NO.62/2020

(GR CASE NO.3987/2019)

State of Assam.

-vs-

Md. Nizamuddin Seikh

..... Accused.

U/S: 366-A of I.P.C.

Present:

Nabajit Bhatta. AJS. MA, LL.B.

Assistant Sessions Judge, Sonitpur at Tezpur.

20 th day of February, 2021

Smt. N.Rahman. :

..... Advocate for State.

Mr. S. K. Roy :

..... Advocate for Accused.

Date of Hearing : 18-02-2021

Date of Argument : 18-02-2021

Date of Judgment : 20-02-2021

JUDGMENT

1. Prosecution story in brief is as follows that on 10-11-2019 the informant Md. Ashim Ansari lodged an FIR at the Dhekiajuli PS alleging that on 10-11-2019 at about 4 p.m. the accused Md. Nizamuddin Seikh forcefully kidnapped his sister Miss Ajuma Ansari, aged 12 years, from Madrassa school and kept her in his house. Hence, the case.
2. The instant case was registered u/s 366-A IPC and police investigated the same. After completion of investigation, police submitted charge-sheet against the accused person u/s 366-A of IPC.
3. That the Ld. Judicial Magistrate took cognizance of the offence and summons was issued to him. After receiving summons he entered appearance before the Ld court. On appearance of the accused person copies of relevant documents were furnished to him and the case was committed to the Hon'ble Court of Sessions as the case was exclusively triable by the Hon'ble Court of Sessions. After that the case has been

transferred to this court and my predecessor had framed charge u/s 366-A of IPC against the accused person and the said charge read over to the accused person to which he pleaded not guilty and claimed to be tried.

4. Prosecution in order to prove the case has examined two witnesses including the complainant and the victim. Defence plea was total denial. Defence has adduced no evidence. Statement of the accused person recorded u/s 313 Cr.P.C.

5. **Point for Determination:-**

Whether the on 10-11-2019 at around 4 p.m., the accused forcefully kidnapped the minor girl (victim) Must. Ajuma Ansari, aged about 12 years, with the intent that the said victim may be or knowing that it is likely that she will be forced (or seduced) to illicit intercourse with any other person therefore committed an offence U/S 366-A of the Indian Penal Code?

6. Heard argument from the learned counsel of the accused. On perusal of the evidence on record and case diary, the very findings are as follows :

DISCUSSION, DECISION AND REASONS THEREOF

7. Prosecution opening the account of examining the witnesses, first brought the informant Md. Ashim Ansari as PW-1. PW-1 has deposed that he is the complainant of this case. He knows the accused person. Victim is his younger sister. The incident occurred in the year 2019. On the day of occurrence, his sister eloped with the accused Nizamuddin with her own consent. She was found in the house of the accused and she was brought back. There was a love relationship between them so she went with the accused. PW-1 has further deposed that due to misunderstanding he lodged the ejahar against the accused. Ext.1 is the ejahar and Ext.1(1) is his signature. At present, her sister has been residing at their house peacefully. Now he does not want to proceed the case. He has no objection if the accused is released from this case.
8. PW-2 Must. Ajuma Ansari has deposed that informant is her elder brother. She knows the accused person. The incident occurred in the year 2019. That, there was a love relationship between her and the accused person

and she eloped with the accused with her own consent. Due to love relationship she went with the accused to his house. After that she returned back to her home and now she has been residing at her parental house peacefully. In cross-examination, PW-2 deposed that due to misunderstanding her elder brother lodged the ejahar against the accused and has no objection if the accused is released from this case.

9. From the above discussions no incriminatory materials are found against the accused person. Thus keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the guilt of the accused person U/S: 366 (A) I.P.C. Hence, the accused person is not found guilty.

ORDER.

Accused person namely Md. Nizamuddin Seikh is acquitted from the Charge U/S: 366-A of I.P.C. and set at liberty forthwith.

Bail-bond of the accused person is extended for six months.

Given under my hand and seal of this court on the 20th Day of February, 2021.

Nabajit Bhatta.
Assistant Sessions Judge
Sonitpur, Tezpur.

APPENDIX.1. PROSECUTION WITNESSES:

PW-1 : Md. Ashim Ansari, informant

PW-2 : Must. Ajuma Ansari, victim

2. PROSECUTION EXHIBITS :-

Ext-1 Ejahar

Ext-1(1) Signature of informant (PW-1)

Ext-2 statement u/s 164 Cr.P.C.

Ext-2(1) Signature of victim (PW-2)

3. DEFENCE EXHIBITS :- Nil4. MATERIAL EXHIBITS :- Nil

Assistant Sessions Judge
Sonitpur : Tezpur