

FORM A

IN THE COURT OF ADDL SESSIONS JUDGE(FTC),
SONITPUR, TEZPUR

Present: **Sri N. Goswami,**
Addl Sessions Judge(FTC),
Sonitpur, Tezpur.

[Date of the Judgment]
08-09-2022

[Sessions Case No 179 /2019]

(Details of FIR/ Crime and Police Station)

Complainant :	STATE OF ASSAM OR Sri Sonu Choudhury, S/O Lt Jagat Choudhury, Resident of Old Missamari.
REPRESENTED BY	Learned Addl P.P. Mrs. A. Baruah.
ACCUSED PERSON	1. Sri Rakesh Majhi Son of- Sri Sarang Majhi. Resident of Vill- Jahajghat. P.S.- Tezpur District- Sonitpur.
REPRESENTED BY	Mr P.S.Sethi, Learned Advocate.

FORM B

Date of Offence	31-05-2018
Date of FIR.	01-06-2018
Date of Charge-sheet	30-06-2018
Date of Framing of Charges	11-11-2019
Date of commencement of evidence	05-12-2019
Date on which judgment is reserved	NIL
Date of the Judgment	08-09-2022
Date of the Sentencing Order, if any	NIL

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 438,Cr.P.C.
Photographer	Rakesh Majhi	02-06-2018	22-06-2018	Section 366/506 of IPC.	Acquitted	NIL	21 days

Form C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Sri Sonu Choudhury	Complainant/Informant
PW2	Sri Basantilal Shah	Other Witness
PW3	Smti Jyoti Choudhury	(victim).
PW4	Shamahammad	Other Witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit Number	Description
1	P.Ext .1/PW1	Ejahaar.
2	P.Ext .2/PW3	Statement of victim u/s 164 CrPC

B. Defence:

Sr. No	Exhibit Number	Description
NIL	NIL	Nil

C. Court Exhibits

Sr. No	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects:

Sr. No	Material Object Number	Description
NIL	NIL	NIL

J U D G M E N T

Facts of the case

1. The case of the prosecution, in brief, is that on 01-06-2018 an FIR was filed by one Sonu Choudhury at the Missamari PS stating therein that on 31-05-2018 at about 3.00 pm his daughter Smti Jyoti Choudhury, aged about 18 years, went missing from his house. The informant came to know later on that his daughter was kidnapped by the accused Rakesh Majhi.

2. Based on that FIR, Missamari PS Case number 83/2018 was registered under section 366 of IPC. Investigation commenced and after the completion of the investigation, a Charge Sheet was submitted against the accused Sri Rakesh Majhi under section 366 of IPC.

3. Since the offence under section 366 of IPC is exclusively triable by the Court of session's; the case was committed to the Court of sessions. Cognizance of the offence was taken. When the accused appeared before the court, charges were framed against him under section 366/506 of IPC. When the charges were read over to the accused, he pleaded not guilty and

claimed to be tried. Thus, the case proceeded to the trial stage.

POINT FOR DETERMINATION

4. The following points were taken up for determination in this case :

- (i) Whether on 31-05-2018 at about 3.00 pm at Missamari the accused Rakesh Majhi kidnapped the daughter of the informant Smti Jyoti Choudhury knowing that she would be compelled to marry him against her will?
- (ii) Whether on the same date and place, as mentioned above, the accused Rakesh Majhi criminally intimidated the informant?

DISCUSSION, DECISION AND REASONS THEREOF :

5. For the convenience and brevity, all the points are taken up together for discussion.

6. During course of trial, prosecution side adduced evidence of four witnesses. The accused was examined under section 313 of CrPC. No evidence was adduced by the defence side.

7. I have heard the learned Addl PP for the State and the learned Counsel for the accused. I have also perused the materials on record.

8. The informant Sonu Choudhury(PW1) has stated in his evidence that his daughter Jyoti Choudhury was studying at Tezpur College at the time of the incident and she was aged about 18-19 years. His daughter went missing from home at about 10.00 am. On that day the college was closed and the PW1 suspected that his daughter might have eloped with the accused Rakesh Majhi because he was aware of the love affair between his daughter and the accused. Hence, he filed the FIR, which has been marked as Ext.1. The PW1 further stated that his daughter returned home on the same day at about 5.00 pm. The PW1 came to know later on that his daughter had an argument with her mother and therefore, she went out of the house and remained with her friend. PW1 has confirmed this fact in his cross-examination.

9. The victim Smti Jyoti Choudhury(PW3) has also stated that she and the accused Rakesh Majhi loved each other and they went together to Rongia Railway Station. Thereafter her father went to the Rongia Railway Station accompanied with police personnel and brought her and the accused to Missamari Police Station. She has exhibited her statement recorded by the Magistrate u/s 164 of CrPC as Ext.P.2/PW3.

10. In her cross-examination the PW3 further stated that the wife of the accused Rakesh Majhi instructed her over phone to stay away from Rakesh Majhi.

11. From the evidence of the victim and the informant it appears that the victim was in love with the accused and on the day of the alleged occurrence, she voluntarily went away with the accused. Thereafter, she went home on the same day. The elements of the offence of kidnapping or abducting and to compel her to marriage or force or seduce her to illicit intercourse, as defined u/s 366 of IPC are absent in this case.

12. The PW2 Sri Basantlal Shah and PW4 Shamahammad have not stated anything material to this case.

13. It transpires from the above discussion that the prosecution had failed to prove the charges framed against the accused beyond reasonable doubt.

14. In the result, the accused Rakesh Majhi is acquitted and set at liberty for forthwith.

15. The bail bond furnished by the accused shall remain in force for another six months. Let a copy of

this judgment be sent to the District Magistrate,
Sonitpur.

16. Given under my hand and the seal of this Court
on this 8th day of September,2022.

(N.Goswami)
Addl Sessions Judge(FTC),
Sonitpur,Tezpur.