

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS AT SONITPUR,
TEZPUR**

PRESENT: DARSHANA NATH, MA, LL.M, JMFC, Tezpur, Sonitpur

PR 418/19

U/S 365 IPC

STATE

VS.

Sahrukh Hussain

FOR PROSECUTION: Smti Niva Devi

FOR THE ACCUSED: Sri P. Biswas

EVIDENCE RECORDED ON : 11/01/2022

JUDGEMENT DELIVERED ON: 11/01/2022

JUDGMENT

1. The accused person Sahrukh Hussain stood trial for offences punishable under Section 365 of Indian Penal Code (hereinafter IPC).

Information and Investigation

2. The genesis of this case has its roots with the lodging of Ejahar by informant Minara Khatoon on 13/05/18 wherein he stated that the accused person used to torture her physically and mentally. The accused person demanded one lakh rupees as dowry from her. One day the accused tried to kill her with dao and beat her very badly.
3. The Ejahar was registered as Missamari P.S Case no 73/18 u/s 365/323/354/506/34 IPC. The police after investigation submitted charge sheet against the accused person under section 365 IPC.

Trial

4. Cognizance was taken of the Charge sheeted offences and processes were issued upon which the accused person appeared and copy of the relevant documents was furnished to them in compliance with section 207 of Code of Criminal Procedure (hereinafter referred as CrPC). Charges are framed and the contents of the offence are explained to the accused person to which he pleaded not guilty and claimed to be tried.
5. In this case, the prosecution has examined the informant as well as victim PW-1. Considering testimony of the informant the prosecution declined to further adduce evidence in this case. Hence, the evidence of prosecution side is closed. Examination of accused u/s 313 CrPC dispensed with as the prosecution did not adduce any implicating evidence against him.
6. After hearing the learned Counsel of both sides and after perusal of the case record, I do hereby frame the following points of determination.

POINTS FOR DETERMINATION

- a) **Whether the accused person kidnapped the informant with intent to wrongfully confine her and thereby committed offence u/s 365 IPC?**

PROSECUTION EVIDENCE

Evidence of the informant

7. PW1 is the informant. She stated that she lodged the ejahar about 4 years back against accused person due to some misunderstanding. Currently the matter has been settled amicably between both the sides and they are living together. Hence, she does not wish to continue with the case.

DISCUSSIONS, DECISIONS AND REASONS THEREOF

8. Upon a perusal of the evidence, it is clear that the informant as well as the victim in this case does not wish to proceed with the case, as the case was lodged due to misunderstanding but since then the matter has been resolved among the two parties amicably and has no issue if the accused person is acquitted of the charges brought against him.
9. As such the prosecution has failed prove that the accused person has committed the offences u/s 365 IPC beyond reasonable doubt.

ORDER

In light of the above, it is held that the prosecution has failed to prove the case U/s 365 IPC against the accused person Sahrukh Hussain beyond all reasonable doubt. Hence, they are hereby **acquitted** and set at liberty forthwith.

However, his bail bond shall remain in force for a period of next 6(six) months as provided by section 437A CrPC.

Given in my hand and under the seal of this court on this the 11th day of January, 2022.

Typed by Me:

Smti. Darshana Nath
Judicial Magistrate First Class, Tezpur

APPENDIX

Prosecution Witness:

PW-1: Minara Khatoon

Defence Witness:

NIL

Prosecution Exhibits:

Ext-1: ejahar

Ext. 1(1): signature of PW1

Defence Exhibits: NIL

Judicial Magistrate First Class, Tezpur.