

APPENDIX -12

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

Present: Dr. C. Khanikar, AJS
Assistant Sessions Judge, Sonitpur, Tezpur

(01st September, 2022)

(Sessions Case No 55 / 2022)

(FIR NO.457/2021 DATED 08-08-2021 / KIDNAPPING CASE /AND
Dhekiajuli POLICE STATION)

INFORMANT :	MD. RAJAB ALI
REPRESENTED BY	MR. P. SARMA, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	MD. SAKET ALI @ SADEK ALI @ SAGED ALI S/O CHAND MIYA VILL- AINAJULI P.S.- ORANG DIST- UDALGURI, ASSAM
REPRESENTED BY	MD. N. UDDIN, ADVOCATE

APPENDIX -13

Date of Offence	06-08-2021
Date of FIR.	08-08-2021
Date of Charge-sheet	29-09-2021
Date of Framing of Charge	03-08-2022
Date of commencement of evidence	01-09-2022
Date on which judgment is reserved	01-09-2022
Date of the Judgment	01-09-2022
Date of the Sentencing Order, if any	None

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 428, Cr.P.C.
1	Md. Saket Ali @ Sadek Ali @ Saged Ali	09-08-2021	21-09-2021	366(A) IPC	Acquitted	none	N/A

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

SESSIONSCASE No. 55 of 2022

G.R. Case No.2652 of 2021

U/S.366 (A) of IPC

State of Assam

.....Prosecutor

- *Versus*-

Md. Saket Ali @ Sadek Ali @ Saged Ali

.....Accused

Present: Dr. Chetana Khanikar, AJS

For the prosecution : Mr. P. Sarma, Addl. P. P.

For the defence : Mr. N. Uddin, Advocate

Evidence recorded on:01-09-2022

Argument heard on : 01-09-2022

Judgment delivered on: 01-09-2022

J U D G M E N T

1. The prosecution case in brief as stated in the FIR is that on 06.08.2021 at about 7 AM Miss Mamoni, The daughter of the informant, who was a student of class IX, went out for tuition and did not come back. On searching, the informant came to know that Md. Saged Ali, son of Md. Chan Miya of Ainajuli village of Udalguri District has taken her away.

2. On the basis of aforesaid FIR, police registered a case as Dhekiajuli PS Case No. 451/2021. Police investigated the case and on completion of investigation submitted charge-sheet against the accused person Md. Saket Ali @ Sadek Ali @ Saged Ali U/S 366(A) of IPC.

3. On appearance of the accused person Md. Saket Ali @ Sadek Ali @ Saged Ali, copies of relevant documents were furnished to him as required U/S 207 of Cr. P. C. and the case was committed to the Court of Hon'ble Sessions Judge, Sonitpur as the case was exclusively triable by the Hon'ble court of Sessions. Thereafter, the case has been transferred to this court. Considering the relevant documents and hearing both the parties and having found sufficient material to presume that the accused had committed offence U/S 366(A) of IPC, charge under that section was framed against him. The accused pleaded not guilty and claimed to be tried when the charge was read over and explained to him.

4. During trial the prosecution side has examined two witnesses and also adduced 2 documentary evidences.

5. At the close of the prosecution evidence, examination of the accused U/S. 313 of the Cr.P.C. has been dispensed with as no incriminating circumstances appearing against him in the prosecution evidences.

Defence side has not adduced any witness and plea of the accused is of total denial.

6. After perusing the records, considering the materials produced, hearing the arguments of the learned counsels for both the sides and the accused the following point is taken as POINT FOR DETERMINATION:

(i) Whether the accused on 06-08-2021 at about 7 a.m., kidnapped/induced Musst. Mamoni Khatun, a minor girl of 16 years of age, from the lawful custody of their parents, without their consent, with intent that she may be or knowing that it likely that she will be forced or seduced to illicit intercourse or compel her to marry with any other person?

DISCUSSION, DECISION AND REASONS THEREOF:

Point (i):

7. In Ext.P1/PW.1, the FIR, it is written that on 06.08.2021 at about 7 AM Miss Mamoni, The daughter of the informant, who was a student of class IX, went out for tuition and did not come back. On searching, the informant came to know that Md. Saged Ali, son of Md. Chan Miya of Ainajuli village of Udalguri District has taken her away. In this case PW 1 is the informant and PW 2 is the victim of the case. Both of them have deposed that, one day the victim went with the accused and came back with the mother of the accused. The accused is the nephew of the informant and cousin of

the victim. The FIR was filed due to misunderstanding and anger only and the informant also filed another application at the P.S by stating the fact of filing the FIR under anger. The FIR was exhibited as Ext. P.1/PW.1 and the said application filed later on was exhibited as Ext. P.2/PW.1. During cross-examination both the victim and the informant have deposed that they have no objection, if the accused got acquitted in the trial. Except this none of the witnesses have deposed anything which can incriminate the accused. The prosecution side has declined to adduce any more evidence as nothing was found against the accused in the evidence of the informant and the victim, who are the principal witnesses of the case. Thus, from the evidence available, it appears that the prosecution side has failed to prove that the accused on 06-08-2021 at about 7 a.m., kidnapped/induced Musst. Mamoni Khatun, a minor girl of 16 years of age, from the lawful custody of their parents without their consent, with intent that she may be or knowing that it likely that she will be forced or seduced to illicit intercourse or compel her to marry with any other person.

Hence point no. (i) is decided negative.

8. From the above discussions I come to the conclusion that prosecution has failed to establish the allegations against the accused. Hence the accused Md.

Saket Ali @ Sadek Ali @ Saged Ali is acquitted from the case. Bail bond extended for next six months.

Given under my hand and the seal of this Court on this 01st day of September, 2022.

(Dr. C. Khanikar)
Asstt. Sessions Judge,
Sonitpur, Tezpur

APPENDIX -14
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)
PW: 1	Md. Rajob Ali	informant
PW: 2	Musst. Mamoni Khatun	victim

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.1/PW1	FIR
2.	P.2/PW1	Application dated 20-09-2021 filed by the informant.

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	Exhibit Number	Description
NIL	NIL	NIL

(Dr. C. Khanikar)
Asstt. Sessions Judge,
Sonitpur, Tezpur