

APPENDIX -12

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

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

(20th December, 2022)

(Sessions Case No 105 / 2022)

(FIR NO.108/2022 DATED 20-03-2022 / KIDNAPPING CASE /AND
DHEIAJULI POLICE STATION)

INFORMANT :	SRI RAJU TANTI
REPRESENTED BY	SMTI. N. RAHMAN, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR
ACCUSED	SRI JOHN BAGWAR S/O LT. LAJRUS BAGWAR VILL- MONABAG TEA ESTATE P.S.- DHEKIAJULI DIST- SONITPUR, ASSAM
REPRESENTED BY	SRI S. NATH, ADVOCATE

APPENDIX -13

Date of Offence	19-03-2022
Date of FIR.	20-03-2022
Date of Charge-sheet	31-03-2022
Date of Framing of Charge	28-07-2022
Date of commencement of evidence	20-12-2022
Date on which judgment is reserved	20-12-2022
Date of the Judgment	20-12-2022
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	Sri John Bagwar	22-03-2022	12-04-2022	366(A) IPC	Acquitted	none	N/A

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

SESSIONSCASE No. 105 of 2022

P.R. Case No.896 of 2022

U/S.366 (A) of IPC

State of Assam

.....Prosecutor

- *Versus*-

Sri John Bagwar

.....Accused

Present: Dr. Chetana Khanikar, AJS

For the prosecution : Smti. N. Rahman, Addl. P. P.

For the defence : Sri. S. Nath, Advocate

Evidence recorded on: 20-12-2022

Argument heard on : 20-12-2022

Judgment delivered on : 20-12-2022

J U D G M E N T

1. The prosecution case in brief as stated in the FIR is that on 19-03-2022, the daughter of the informant, Miss Shaily Tanti, was forcefully taken away by two boys namely Sri Niral Horo and Sri John Bagwar, in a motorcycle, while she was with her aunt Nilupha Tanti at Dibru Darang mela. When Nilupha told the matter to the informant, the informant searched the victim for the whole night but not found.

2. On the basis of aforesaid FIR, police registered a case as Dhekiajuli PS Case No. 108/2022, u/s-366(A) of IPC against the accused Sri John Bagwar. Police investigated the case and on completion of investigation submitted charge-sheet against the accused person Sri John Bagwar U/S 366(A) of IPC.

3. On appearance of the accused person Sri John Bagwar, 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 19-03-2022, kidnapped/induced Smti. Shaily Tanti, a minor girl of 17 years of age, from Dibru Dalang Mela and from lawful custody of her parents, without their consent, with intent that she may be or knowing that it is to be 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 19-03-2022, the daughter of the informant, Miss Shaily Tanti, was forcefully taken away by two boys namely Sri Niral Horo and Sri John Bagwar, in a motorcycle, while she was with her aunt Nilupha Tanti at Dibru Darang mela. When Nilupha told the matter to the informant, the informant searched the victim for the whole night but not found. In this case PW 1 is the informant and PW.2 is the victim. Both of them have deposed that the FIR was filed against the accused only on suspicion. They have no allegation against the accused and they do not want to proceed further with the case. They have no objection if

the accused get acquittal 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. They themselves have denied the prosecution story as narrated in the FIR. Thus, from the evidence available, it appears that the prosecution side has failed to prove that the accused on 19-03-2022, kidnapped/induced Smti. Shaily Tanti, a minor girl of 17 years of age, from Dibru Dalang Mela and from lawful custody of her parents, without their consent, with intent that she may be or knowing that it is to be 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 Sri John Bagwar is acquitted** from the case. Bail bond **extended for next six months.**

Given under my hand and the seal of this Court on this 20th day of December, 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	Sri Raju Tanti	informant
PW: 2	Miss Shaily Tanti	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/PW2	Statement of victim u/s 164 of Cr.P.C.

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