

APPENDIX -12

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

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

(07th November, 2022)

(Sessions Case No 148 / 2022)

(FIR NO.132/2021 DATED 11-09-2021 / KIDNAPPING CASE /AND
THELAMARA POLICE STATION)

| | |
|-----------------------|------------------------------------------------------------------------------------------------------|
| INFORMANT : | MD. HANIF ALI |
| REPRESENTED BY | SMTI. N. RAHMAN, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR |
| ACCUSED | MD. NUR JAMAL S/O Lt. RAHMAT ALI VILL- BHARASINGRI P.S.- THELAMARA DIST- SONITPUR, ASSAM |
| REPRESENTED BY | SMTI. F. BEGUM, ADVOCATE |

APPENDIX -13

| | |
|--------------------------------------|------------|
| Date of Offence | 10-09-2021 |
| Date of FIR. | 11-09-2021 |
| Date of Charge-sheet | 09-05-2022 |
| Date of Framing of Charge | 22-09-2022 |
| Date of commencement of evidence | 04-11-2022 |
| Date on which judgment is reserved | 04-11-2022 |
| Date of the Judgment | 07-11-2022 |
| 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. Nur Jamal | 12-09-2022 | 17-09-2022 | 366(A) IPC | Acquitted | none | N/A |

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

SESSIONSCASE No. 148 of 2022

G.R. Case No.2997 of 2021

U/S.366 (A) of IPC

State of Assam

.....Prosecutor

- *Versus*-

Md. Nur Jamal

.....Accused

Present: Dr. Chetana Khanikar, AJS

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

For the defence : Smti. F. Begum, Advocate

Evidence recorded on:04-11-2022

Argument heard on : 04-11-2022

Judgment delivered on: 07-11-2022

J U D G M E N T

1. The prosecution case in brief as stated in the FIR is that on 08.09.2021 at about 11.30 p.m, the daughter of the informant, Miss Amiran Nessa, aged about 15 years went off missing from her house. The informant along with his family members has searched the victim, but could not find out. Later on, it came to the knowledge of the informant that the accused Md. Nur Jamal kidnapped his daughter by inducing her.

2. On the basis of aforesaid FIR, police registered a case as Thelamara PS Case No. 132/2021. Police investigated the case and on completion of investigation submitted charge-sheet against the accused person Md. Nur Jamal U/S 366(A) of IPC.

3. On appearance of the accused person Md. Nur Jamal, 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 10-09-2021 at about 11.30 p.m., kidnapped/induced Miss Amiran Nessa, a minor girl of 15 years of age, from the 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 08.09.2021 at about 11.30 p.m, the daughter of the informant, Miss Amiran Nessa, aged about 15 years went off missing from her house. The informant along with his family members has searched the victim, but could not find out. Later on, it came to the knowledge of the informant that the accused Md. Nur Jamal kidnapped his daughter by inducing her. In this case PW 1 is the informant and PW 2 is the victim of the case. Both of them have deposed that, the victim went to her friend's house on that day. As she did not come back till night, on suspicion the case was filed against the accused. In the next day the victim came back. Both of them have further deposed that now they have no allegation

against the accused and will not want to proceed with the case. 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 10-09-2021 at about 11.30 p.m., kidnapped/induced Miss Amiran Nessa, a minor girl of 15 years of age, from the 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 Md. Nur Jamal is acquitted from the case. Bail bond extended for next six months.

Given under my hand and the seal of this Court on this 07th day of November, 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. Hanif Ali | informant |
| PW: 2 | Musst. Amiran Nessa | 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