

**APPENDIX -12**

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

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

**(20<sup>th</sup> September, 2022)**

**(Sessions Case No 70 / 2022)**

(FIR NO.109/2017 DATED 18-01-2017 / KIDNAPPING CASE /AND  
TEZPUR POLICE STATION)

<b>INFORMANT :</b>	SMTI. MINU BHUYAN
<b>REPRESENTED BY</b>	SMTI. N. RAHMAN, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR
<b>ACCUSED</b>	SMTI. GEETANJALI DEVI W/O SRI RAJESH SARMAH VILL- GOWAIYA JAHAMARI THELAMARA P.S.- THELAMARA DIST- SONITPUR, ASSAM
<b>REPRESENTED BY</b>	SRI P.SETHI, ADVOCATE

**APPENDIX -13**

Date of Offence	07-10-2016
Date of FIR.	18-01-2017
Date of Charge-sheet	Not available
Date of Framing of Charge	26-08-2022
Date of commencement of evidence	20-09-2022
Date on which judgment is reserved	20-09-2022
Date of the Judgment	20-09-2022
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	Smti. Gitanjali Devi	19-01-2017	21-03-2017	366/370 (2)IPC	Acquitted	None	N/A

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

**SESSIONSCASE No. 70 of 2022**

**G.R. Case No.205 of 2017**

U/S.366/370(2)of IPC

State of Assam

.....Prosecutor

- *Versus*-

Smti. Gitanjali Devi

.....Accused

Present: Dr. Chetana Khanikar, AJS

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

For the defence : Sri. P.Sethi, Advocate

Evidence recorded on: 20-09-2022

Argument heard on: 20-09-2022

Judgment delivered on: 20-09-2022

**J U D G M E N T**

1. The prosecution case in brief as stated in the FIR is that on 07-10-2016 Smt. Pampee Bhuyan, the daughter of the informant, was induced by Smt. Gitanjali Devi along with one Smt. Suman Khanna by telling her to engage in job outside the State and taken her away without informing her parents. Later on, the informant came to know that the accused had handed over the daughter of the informant to someone at Delhi. On 18-1-2017, Suman Khanna again tried to take away Smt. Babita Das, the married daughter of the informant and

for that she has taken Babita in a Tempo from a place near TMCH to Mission Chariali. Getting the information, the informant along with some other persons went to Mission Chariali and rescued Babita. On being informed, police took Smt. Suman Khanna to P.S.

2. On the basis of aforesaid FIR, police registered a case as TezpurPS Case No. 109/2017. Police investigated the case and on completion of investigation submitted charge-sheet against the accused Smt. Suman Khanna and Smti. Gitanjali Devi U/S 366/371/34 of IPC.

3. The case was filed against the accused Smt. Suman Khanna vide order dtd. 22.5.2019.

4. On appearance of the accused person Smti. Gitanjali Devi, copies of relevant documents were furnished to her 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 366/370(2) of IPC, charge under those sections was framed against her. The accused pleaded not guilty and claimed to be tried when the charge was read over and explained to her.

5. During trial the prosecution side has examined three witnesses and also adduced three documentary evidences.

6. 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 her in the prosecution evidences. Defence side has not adduced any witness and plea of the accused is of total denial.

7. 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 7-10-2016, induced Smt. Pampee Bhuyan, to go from her house at Solagaon, with intent that she may be or knowing that it is likely that she will be forced or seduced to illicit intercourse or compel her to marry with any person?

(ii) Whether the accused on the same day, for the purpose of exploitation of Smt. Pampee Bhuyan practiced fraud or deception/ inducement upon her?

DISCUSSION, DECISION AND REASONS THEREOF:

Point (i) and (ii):

8. For convenience of discussion and to avoid unnecessary repetition, Point No. (i) and (ii) are taken together for discussion.

9. In Ext.P1/PW.1, the FIR, it is written that on 7-10-2016 Smt. Pampee Bhuyan, the daughter of the informant, was induced by Smt. Gitanjali Devi along with one Smt. Suman Khanna by telling her to engage in job outside the State and taken her away without informing her parents. Later on, the informant came to know that the accused had handed over the daughter of the informant to someone at Delhi. On 18-1-2017, Suman Khanna again tried to take away Smt. Babita Das, the married daughter of the informant and for that she has taken Babita in a Tempo from a place near TMCH to Mission Chariali. Getting the information, the informant along with some other persons went to Mission Chariali and rescued Babita. In this case PW 1 is the informant and PW 3 is the victim of the case. PW 2 is Smt. Babita Das. All of them have deposed that, the victim Smt. Pampee Bhuyan willfully went with the accused. Later on the informant along with a co-villager took the victim back to her house from Haryana, where she was working. The FIR was filed due to misunderstanding and suspicion only. 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, and the PW 2, 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 7-10-2016, induced Smt. Pampee Bhuyan, to go from her house at Solagaon, with intent that she may be or knowing that it is likely that she will be forced or seduced to illicit intercourse or compel her to marry with any person or that the accused on the same day, for the purpose of exploitation of Smt. Pampee Bhuyan practiced fraud or deception/ inducement upon her.

Hence Point No. (i) and (ii) are decided negative.

10. From the above discussions I come to the conclusion that prosecution has failed to establish the allegations against the accused Smti. Gitanjali Devi. Hence the accused Smti. Gitanjali Devi is acquitted from the case. Bail bond extended for next six months.

Given under my hand and the seal of this Court on this 20<sup>th</sup> day of September, 2022.

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

**APPENDIX -14**  
**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**

**A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW: 1	Smti. Meenu Bhuyan	Informant
PW: 2	Smti. Bobita Das	Other witness
PW: 3	Smti. Pampee Bhuyan	Victim

**B. Defence Witnesses, if any :**

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

**C. Court Witnesses, if any :**

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

**LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1.	P.1/PW1	FIR
2.	P.2/PW2	Statement of Smt. Babita Das U/S. 164 of Cr.P.C.
3.	P.3/PW3	Statement of victim U/S. 164 of Cr.P.C.

**B. Defence:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibits:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL



**D. Material Objects:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

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