

**APPENDIX -12**

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

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

**(15<sup>th</sup> December, 2022)**

**(Sessions Case No 86 / 2019)**

(FIR NO.2108/2017 DATED 15-10-2017 / KIDNAPPING CASE /AND  
TEZPUR POLICE STATION)

<b>INFORMANT :</b>	SMTI. LOTA DEVI
<b>REPRESENTED BY</b>	SMTI. N. RAHMAN, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR
<b>ACCUSED</b>	SRI CHAMPAK NATH S/O HIREN NATH VILL- BALI SUTI (BALIKHATI) P.S.- TEZPUR DIST- SONITPUR, ASSAM
<b>REPRESENTED BY</b>	SRI S. NATH, ADVOCATE

**APPENDIX -13**

Date of Offence	12-09-2017
Date of FIR.	15-10-2017
Date of Charge-sheet	23-10-2017
Date of Framing of Charge	06-06-2019
Date of commencement of evidence	15-12-2022
Date on which judgment is reserved	15-12-2022
Date of the Judgment	15-12-2022
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 Champak Nath	16-10-2017	17-10-2017	366 IPC	Acquitted	none	N/A

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

**SESSIONSCASE No. 86 of 2019**

**G.R. Case No.3998 of 2017**

U/S.366 of IPC

State of Assam

.....Prosecutor

- *Versus*-

Sri Champak Nath

.....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: 15-12-2022

Argument heard on : 15-12-2022

Judgment delivered on: 15-12-2022

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

1. The prosecution case in brief as stated in the FIR is that on 12-09-2017, at 12 noon, the accused Sri Champak Nath has abducted the daughter of the informant, Miss Arati Devi, aged about 14 year from her house.

2. On the basis of aforesaid FIR, police registered a case as Tezpur PS Case No. 2108/2017. Police investigated the case and on completion of investigation

submitted charge-sheet against the accused person Sri Champak Nath U/S 366 (A) of IPC.

3. On appearance of the accused person Sri Champak Nath, 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 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 12-09-2017 at 12 noon, induced Miss Aarti Devi, the daughter of the informant to go from her house with intent that she may be or knowing it to be likely that she will be force or seduced to illicit intercourse or compel her to marry with the accused or any other person?

DISCUSSION, DECISION AND REASONS THEREOF:

Point (i):

7. In Ext.P1/PW.1, the FIR, it is written that on 12-09-2017, at 12 noon, the accused Sri Champak Nath has abducted the daughter of the informant, Miss Arati Devi, aged about 14 year from her house. In this case PW 1 is the informant and PW 2 is the victim of the case. Both of them have deposed that, on the day of incident, the victim willfully went for outing with the accused and her other friends. But on suspicion the informant filed the FIR against the accused. 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 12-09-2017 at 12 noon, induced Miss Aarti Devi, the daughter of the informant to go from her house with intent that she may be or knowing it to be likely that she will be force or seduced to illicit intercourse or compel her to marry with the accused or 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 Champak Nath is acquitted from the case. Bail bond extended for next six months.

Given under my hand and the seal of this Court on this 15<sup>th</sup> day of December, 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. Lota Devi	informant
PW: 2	Miss Aarti Devi	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/PW.2	u/s.164 Cr.P.C statement of the victim

**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