

**APPENDIX -12**

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

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

**(28<sup>th</sup> October, 2022)**

**(Sessions Case No 99 / 2022)**

(FIR NO.515/2022 DATED 20-04-2022 / KIDNAPPING CASE /AND  
Tezpur POLICE STATION)

<b>INFORMANT :</b>	SRI ANIL SAUTAL
<b>REPRESENTED BY</b>	SMTI. N. RAHMAN, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR
<b>ACCUSED</b>	SRI BHUPEN TUDU S/O SRI EREN TUDU @ DEBEN TUDU VILL- 1 NO. BARPUKHURIGAON P.S.- THELAMARA DIST- SONITPUR, ASSAM
<b>REPRESENTED BY</b>	SRI TIKESWAR SATNAMI, ADVOCATE

**APPENDIX -13**

Date of Offence	17-04-2022
Date of FIR.	20-04-2022
Date of Charge-sheet	30-04-2022
Date of Framing of Charge	15-07-2022
Date of commencement of evidence	28-08-2022
Date on which judgment is reserved	28-10-2022
Date of the Judgment	28-10-2022
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	Bhupen Tudu	20-04-2022	12-05-2022	366(A) IPC	Acquitted	none	N/A

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

**SESSIONSCASE No. 99 of 2022**

**G.R. Case No.903 of 2022**

U/S.366 (A) of IPC

State of Assam

.....Prosecutor

- *Versus*-

Sri Bhupen Tudu

.....Accused

Present: Dr. Chetana Khanikar, AJS

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

For the defence : Sri T. Satnami, Advocate

Evidence recorded on: 08-08-2022 and 28-10-2022

Argument heard on : 28-10-2022

Judgment delivered on : 28-10-2022

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

1. The prosecution case in brief as stated in the FIR is that on 17.04.2022 at about 8 PM, the accused Bhupen Tudu had eloped Smti. Manjali Majhi, the sister-in-law of the informant from the house of the informant. The date of birth of the victim is 24-12-2008.

2. On the basis of aforesaid FIR, police registered a case as Tezpur PS Case No. 515/2022. Police investigated the case and on completion of investigation

submitted charge-sheet against the accused person Bhupen Tudu U/S 366(A) of IPC.

3. On appearance of the accused person Bhupen Tudu, 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 17-04-2022 at about 8 p.m., kidnapped/induced Smti. Manjili Majhi @ Manjali, a minor girl of 14 years of age, from the house of the informant Anil Sawtal at Bandarmari and from the lawful custody of her 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 17.04.2022 at about 8 PM, the accused Bhupen Tudu had eloped Smti. Manjali Majhi, the sister-in-law of the informant from the house of the informant. 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 to the house of the accused. The FIR was filed due to misunderstanding and suspicion. 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 17-04-2022 at about 8 p.m., kidnapped/induced Smti. Manjili Majhi @ Manjali, a minor girl of 14 years of age, from the house of the informant Anil Sawtal at Bandarmari and from the lawful custody of her 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 Bhupen Tudu is acquitted from the case. Bail bond extended for next six months.

Given under my hand and the seal of this Court on this 28<sup>th</sup> day of October, 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	Sri Anil Sawtal	informant
PW: 2	Miss Manjali Majhi	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	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