



ASSN010000682026

**IN THE COURT OF THE SESSIONS JUDGE****SONITPUR : TEZPUR****Present:****Shri K. Hazarika, Sessions Judge****Date of Judgment: 03/06/2026****Sessions Case No. 17/2026****(Dhekiajuli PS Case No. 255/2024)**

|                 |                                      |
|-----------------|--------------------------------------|
| COMPLAINANT:    | State of Assam                       |
| REPRESENTED BY: | Mr. M. C. Baruah, Public Prosecutor. |
| ACCUSED:        | Sri Tapash Biswas (A1).              |
| REPRESENTED BY: | Mr. S. Das, Advocate.                |

**APPENDIX-13**

|                  |            |
|------------------|------------|
| Date of offence: | 11.11.2024 |
| Date of FIR:     | 11.11.2024 |

|                                       |                |
|---------------------------------------|----------------|
| Date of Charge Sheet:                 | 30.11.2024     |
| Date of Framing Charge:               | 12.01.2026     |
| Date of commencement of evidence:     | 17.03.2026     |
| Date on which Judgment is reserved:   | 03.06.2026     |
| Date of Judgment:                     | 03.06.2026     |
| Date of the Sentencing Order, if any: | Not applicable |

**ACCUSED DETAILS**

| <b>Rank of the Accused</b> | <b>Name of the Accused</b> | <b>Date of Arrest</b> | <b>Date of Release on Bail</b> | <b>Offence Charged with</b> | <b>Whether Acquitted or Convicted</b> | <b>Sentence Imposed</b> | <b>Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C.</b> |
|----------------------------|----------------------------|-----------------------|--------------------------------|-----------------------------|---------------------------------------|-------------------------|-----------------------------------------------------------------------------------|
| A1                         | Tapash Biswas              | 12.11.2024            | 04.12.2024                     | Section 87 of BNS           | Acquitted                             | Does not arise          | 22 days.                                                                          |

**APPENDIX-14****LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

| <b>RANK</b> | <b>NAME</b>         | <b>NATURE OF EVIDENCE</b><br>(EYE WITNESS, POLICE WITNESS,<br>EXPERT WITNESS, MEDICAL WITNESS,<br>PANCH WITNESS, OTHER WITNESS) |
|-------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>PW1</b>  | Sri Udhab Biswas    | Related witness                                                                                                                 |
| <b>PW2</b>  | Miss Sangita Biswas | Injured witness                                                                                                                 |
| <b>PW3</b>  | Sri Subhash Biswas  | Related witness                                                                                                                 |
| <b>PW4</b>  | Sri Ramtanu Biswas  | Independent witness                                                                                                             |

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

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

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

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

**LIST OF PROSECUTION/DEFENCE EXHIBITS :****A. Prosecution :**

| Sl. No. | Exhibit Number | Description                      |
|---------|----------------|----------------------------------|
| 1.      | Ext. P1/PW1    | Ejhar                            |
| 2.      | Ext. P2/PW2    | Statement of victim u/s 183 BNSS |

**B. Defence :**

| Sl. | Exhibit Number | Description |
|-----|----------------|-------------|
|     | Nil.           | Nil.        |

**C. Court Exhibits :**

| Sl. | Exhibit Number | Description |
|-----|----------------|-------------|
|     | Nil.           | Nil.        |

**D. Material Exhibits:**

| Sl. | Exhibit Number | Description |
|-----|----------------|-------------|
|     | Nil.           | Nil         |

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

- 1.** The prosecution case in brief is that on 11.11.2024, one Sri Udhab Biswas lodged a FIR in Singri Outpost under Dhekiajuli police station stating inter alia that on 11.11.2024, at about 3:30 pm, when his daughter, Miss Sangita Biswas (aged about 15 years) went out to the road near her house, accused Tapash Biswas forcefully kidnapped her and in the said act, accused Jitendra Sarkar helped him.
- 2.** On receipt of the FIR, the Officer-in-Charge, Dhekiajuli PS registered a case being Dhekiajuli PS Case No. 255/2024 and endorsed ASI (UB) Dipak Malakar to investigate into the case. After completion of investigation, the I/O laid chargesheet u/s 87 of BNS against accused Tapash Biswas.
- 3.** When accused Tapash Biswas appeared before the Court of the learned Judicial Magistrate 1<sup>st</sup> Class, Sonitpur, Tezpur, the said learned Court vide order dated 23.12.2025 committed the case to the Court of the Sessions Judge, Sonitpur, Tezpur after observing the required formalities as the offence u/s 87 of BNS was exclusively triable by the Court of Sessions. After hearing both the sides, this Court framed charge u/s 87 of BNS against the accused person which was read over and

explained to him to which he pleaded not guilty and claimed to be tried. Thereafter, the trial commenced.

### **POINT FOR DETERMINATION**

Whether the accused on 11.11.2024 at about 3:30 pm, abducted Miss Sangita Biswas with intent that she might be compelled to marry against her will or in order that she might be forced or seduced to illicit intercourse and thereby committed an offence punishable u/s 87 of BNS ?

### **DISCUSSION, DECISION AND REASONS THEREOF**

4. To bring home the charge against the accused person, the prosecution side examined as many as 04 (four) witnesses in the case. They are as follows :-

- |                                                      |       |
|------------------------------------------------------|-------|
| (i) Sri Udhab Biswas<br>(informant/father of victim) | - PW1 |
| (ii) Miss Sangita Biswas (victim)                    | - PW2 |
| (iii) Sri Subhash Biswas<br>(uncle of informant)     | - PW3 |
| (iv) Sri Ramtanu Biswas                              | - PW4 |

5. The defence plea is of total denial. The defence did not adduce any evidence in this case. The statement of the accused was recorded u/s 351 of BNSS.
6. I have heard the arguments of the learned counsels for both the sides. I have also gone through the entire evidence on record.
7. At the very outset, I would like to scrutinize the evidence on record for the purpose of adjudicating the charge against the accused person.
8. PW1 (informant/father of victim) stated in his examination-in-chief that about more than one year back, his daughter, Sangita Biswas went missing from the house and when they did not find her after searching, he lodged an ejahar in Singri OP under Dhekiajuli PS and that police told him that accused Tapash Biswas had taken away Sangita Biswas and police recovered Sangita Biswas from the house of the relative of the accused and on inquiry, Sangita Biswas told them that accused Tapash Biswas had forcefully taken her away from the road.

During cross-examination, PW1 stated that he knew that about six months prior to the occurrence that Sangita Biswas was in love with accused Tapash Biswas and when he came to know about it, he had slapped Sangita Biswas once and he knew prior to lodging of the ejahar that Sangita Biswas

had gone with accused Tapash Biswas. PW1 further stated that he did not accept the love affair between Sangita Biswas and Tapash Biswas and that he had not seen Tapash Biswas taking away Sangita Biswas with him on the day of incident.

- 9.** PW2 (victim) stated in her examination-in-chief that she and accused Tapash Biswas were in love with each other about one year prior to the occurrence and about more than one year back, she voluntarily went with accused Tapash Biswas without informing her family members and so, her father, Udhab Biswas lodged an ejahar against Tapash Biswas in the police station.

During cross-examination, PW2 stated that her parents objected to her love affair with accused Tapash Biswas and that Tapash Biswas did not abduct her on the day of incident and he was not involved in the occurrence of this case.

- 10.** PW3 (uncle of informant) stated in his examination-in-chief that about more than one year back, he had heard that the daughter of Udhab Biswas, Sangita Biswas was abducted by somebody.
- 11.** PW4 stated in his examination-in-chief that about more than one year back, when he returned home from Dhekiajuli town, he saw a gathering of persons in the house of his neighbour, Udhab Biswas and when he went there, he came to know

from the eldest daughter of Udhav Biswas that her sister, Sangita Biswas eloped with a boy.

- 12.** It is to be noted that there is no eye witness to the alleged occurrence. All the witnesses are only reported witnesses. PW1 is the father of the victim. His evidence goes to show that his daughter, Sangita Biswas went missing from the house and when they did not find her, he lodged an ejahar and police told him that the accused had taken away his daughter and police recovered his daughter from the house of the relative of the accused and on inquiry, Sangita told them that the accused had forcefully taken her away from the road. PW3, uncle of informant heard that the daughter of Udhav Biswas, Sangita Biswas was abducted by somebody. PW4 seeing a gathering of person in the house of Udhav Biswas went to his house and came to know from the eldest daughter of Udhav Biswas that Sangita Biswas eloped with a boy. Thus, the evidence of the aforesaid witnesses would be worthy of credence and can be relied upon only if the evidence of the victim inspires the confidence of the Court.
- 13.** PW2 is the victim. Her testimony goes to show that she and the accused were in love with each other for about one year prior to the occurrence and that she voluntarily went with the accused without informing her family members for which her father, Udhav Biswas lodged an ejahar against the accused. She clearly testified in her cross-examination that the accused

did not abduct her on the day of incident and that he was not involved in the occurrence of this case. Thus, the evidence of PW1 is not at all supported by the evidence of the victim in so far about taking her away by the accused on the day of incident. Therefore, the existing evidence available on record is absolutely deficient to bring home the charge against the accused person.

- 14.** In view of the above discussions and reasons, I find and hold that the prosecution miserably failed to prove its case beyond all reasonable doubt. Accordingly, accused Tapash Biswas is not found guilty of committing the offence punishable u/s 87 of BNS and hence, he is acquitted of the said charge and set at liberty. His bail bond shall remain in force for a period of 6 months from today.
- 15.** Return the seized school certificate (Chitalmari High English School) and Aadhaar card (No. 9354-7265-4234) of Sangita Biswas to her father, Udhab Biswas after due verification in accordance with law.
- 16.** Forward a copy of the Judgment to the District Magistrate, Sonitpur, Tezpur in compliance of Section 406 of the BNSS.

Given under my hand and seal of this Court on this the  
**03<sup>rd</sup> day of June , 2026** at Sonitpur, Tezpur.

Dictated & corrected by me,

( K. Hazarika )  
Sessions Judge  
Sonitpur, Tezpur

( K. Hazarika )  
Sessions Judge  
Sonitpur, Tezpur