

ASKR060000062017



Sessions Case No.102 of 2017

APPENDIX-12

IN THE COURT OF ADDITIONAL SESSIONS JUDGE (FTC), RANGIA:: KAMRUP (Assam) Present: Sri Mukul Chetia, A.J.S. Addl. Sessions Judge (FTC), Rangia, Assam. Date of Judgment:- 14.08.2026 <u>Sessions Case No. 102/2017</u> Rangia GRPS Case No. 32/2012 u/s 328/379/511 of I.P.C.	
COMPLAINANT:	STATE OF ASSAM
REPRESENTED BY	Mr. D. Saikia, Learned Addl. Public Prosecutor
ACCUSED	Md. Aminur Ali S/O- Mohammad Ali residents of - Village- Madhu Solmari (Doctorer Gaon) P.S.- Gouripur, District- Dhubri (Assam).
REPRESENTED BY	Afsana Khatun, Learned Advocate

APPENDIX-13

Date of Offence	14.08.2026
Date of F.I.R.	04.11.2012
Date of Charge-sheet	04.01.2013
Date of Framing of Charges	06.11.2017
Date of commencement of evidence	04.08.2026
Date on which judgment is reserved	----
Date of Judgment	14.08.2026
Date of sentencing Order, if any	----

Accused Details

Rank of 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 Sec. 428 Cr.P.C.
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A1	Md. Aminur Ali	04.11.12	08.02.13	u/s 328/379/ 511 of I.P.C.	Acquitte d	Not applicabl e	Not applicabl e
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JUDGMENT

1. Prosecution case, in brief, is that on 03.11.2012 informant R.K. Bezbaruah, Inspector lodged an FIR at Rangia GRPS to the effect that accused on the date mentioned above at about 5-50 p.m., was travelling in the Train No. 55802 (Manas Rhino Passenger) carrying 20 Nos. of Alprazolam Tablets namely ALORA-0.5 which is a sedative in his back pocket inside a diary. Hence, the case is filed.
2. On receipt of the FIR, the O.C. of Rangia GRPS registered the case vide Rangia GRPS Case No.32/2012 u/s 328/379/511 of I.P.C.
3. During investigation, the I.O. visited the place of occurrence; recorded the statement of witnesses. Later on during recording the statement of the accused, it revealed that one Rafikul Ali is also partnering him in this offence. However, on completion of investigation the I.O. submitted the charge-sheet u/s 328/379/511 of I.P.C. against the accused, for trial.
4. The accused person entered appearance having received summons of the Court to face the trial. He was granted regular bail. The necessary copies were furnished to the accused person. Having heard both sides and on perusal of materials on record, charge u/s 328/379/511 of I.P.C. had been formally framed against the accused person and the contents of said charge were read over and explained to the said accused to which he pleaded not guilty and claimed to be tried.
5. During trial, prosecution side has examined one witnesses who is the I.O. of the case.
6. The statement of accused person u/s 313 is examined where his plea is denial and declined to adduce DW.
7. The accused person has declined to adduce any evidence in his defence.

8. I have heard argument advanced by learned Adl P.P. Mr. D. Saikia for the State, and learned defence counsel Afsana Khatun. I have considered the submissions of both sides. Perused the record together with the evidence on record.

POINTS FOR DETERMINATION:

9. Now, the point for determination in the case is as follows:

(i) Whether the accused on 03.11.2012 at about 05:50 p.m. within Manas Rhino Passenger Train reached Rangia Railway Station with some sedative drugs namely Alora 0.5mg which is a drug used for making a person unconscious by which attempted to administer the same to the passengers of the train to commit theft and thereby committed an offence punishable under section 328/379/511 of the Indian Penal Code ?

Discussion, Decision and Reasons Thereof:

10. P.W-1, who is I.O. of the case, deposed that he was posted at Rangia GRPS. He was given charge of investigation. Exhibit- P1/P.W.1 is the FIR. O.C. registered the case vide Rangia GRPS Case No. 32/12 under section 328/379/511 of the IPC. He has examined the informant. He also examined the body of the accused. He has seized the articles mentioned in the FIR. Exhibit-P-2/PW-1 is the seizure and Exhibit-P2(1)/PW-1 is his signature. He has examined the witnesses. He also examined the accused and arrested the accused. He drew sketch map of the P.O. Exhibit- P-3/P.W.1 is the sketch map and Exhibit-P3(1)/PW-1 is his signature. He has forwarded the accused to the court for judicial custody. He has forwarded the sample to the FSL, Kahilipara, Guwahati and he has also collected FSL report. Exhibit-P4/PW-1 is the FSL report and Exhibit P5- PW1 is the forwarding letter. Thereafter he filed the CS against the accused Aminur Ali, Rafiqul Ali u/s 328/379/511 of IPC. Exhibit- P-6/P.W.1 is the Chargesheet and Exhibit-P6(1)/PW-1 is his signature.

In the cross examination PW1 deposed that there is no GDE number in the FIR and time has not been mentioned. It is not fact that without proper investigation he has filed the charge sheet against the accused Aminur Ali.

11. This is the evidence on record.

12. On careful perusal of the evidence of P.W-1 , it clearly appears to me that witness in his evidence has not implicated the accused person under the charge brought against the accused. There is no whisper in the evidence of P.W1, accused was with some sedative drugs namely Alora 0.5mg which is a drug used for making a person unconscious by which attempted to administer the same to the passengers of the train to commit theft. The informant has not supported the contention of his F.I.R. in his evidence.

16. In view of what has been discussed herein above coupled with my reasons, I am constrained to hold that prosecution has failed to lead cogent and convincing evidence on record to bring home the charge under section 328/379/511 of the IPC against the accused. As such, accused person is acquitted from the said charge and set at his liberty forthwith.

17. The bail bond of the accused person and his surety are extended for six months from today u/s 437A of Cr.P.C. and till then he is allowed to remain on his previous bail.

18. Considering the above aspects of matter and the nature of the case, the matter is not referred to District Legal Service Authority, Kamrup, Amingaon for granting compensation u/s 357A of Cr.P.C.

19. Judgment is pronounced and delivered in open Court. The case stands disposed of on contest.

20. Send a copy of the judgment to the learned District Magistrate, Kamrup, Amingaon.

Given under my hand & seal of this Court on this 14th day of August, 2026.

Dictated & corrected by me:

(M. Chetia, A.J.S)

(M. Chetia, A.J.S)
Addl. Sessions Judge (FTC)
Rangia, Kamrup (Assam)

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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)
PW1	Munin Dutta	I.O.

B. Defence Witnesses :

RANK	NAME	Nature Of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	NIL	

C. Court Witnesses

RANK	NAME	Nature Of Evidence (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	NIL	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit-P1/PW1	F.I.R.
2	Exhibit-P2/PW1	Seizure
3	Exhibit-P3/PW3	Sketch Map
4	Exhibit-P5/PW3	Fsl Report
5	Exhibit-P/PW3	C.S.

B. Defence:

Sr. No.	Exhibit Number	Description
	NIL	

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
	NIL	

D. Material objects :

Sr. No.	Exhibit Number	Description
	NIL	

(M. Chetia, A.J.S)
Additional Sessions Judge (FTC)
Rangia, Kamrup (Assam)