



ASSN010001052026

IN THE COURT OF THE SESSIONS JUDGE**SONITPUR : TEZPUR****Present:****Shri K. Hazarika, Sessions Judge****Date of Judgment: 20/04/2026****Sessions Case No. 29/2026****(Tezpur PS Case No. 626/2024)**

COMPLAINANT:	State of Assam
REPRESENTED BY:	Mr. M. C. Baruah, Public Prosecutor.
ACCUSED:	Md. Ijajul Islam (A1).
REPRESENTED BY:	Mr. M. Rahman, Advocate.

APPENDIX-13

Date of offence:	26.09.2024
Date of FIR:	18.10.2024

Date of Charge Sheet:	21.11.2024
Date of Framing Charge:	05.02.2026
Date of commencement of evidence:	01.04.2026
Date on which Judgment is reserved:	20.04.2026
Date of Judgment:	20.04.2026
Date of the Sentencing Order, if any:	Not applicable

ACCUSED DETAILS

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offence Charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.P.C.
A1	Ijajul Islam	19.10.2024	27.11.2024	Section 87 of BNS	Acquitted	Does not arise	39 days.

APPENDIX-14**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	Md. Sahjamal	Related witness
PW2	Miss Sehnaj Parbina	Injured witness

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

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

Sl. No.	Exhibit Number	Description
1.	Ext. P1/PW1	Ejhar
2.	Ext. P2/PW1	FIR form
3.	Ext. P3/PW2	Statement of victim u/s 183 BNSS
4.	Ext. P4/PW2	Medical report

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 18.10.2024, one Sri Sah Jamal lodged a FIR in Borghat OP under Tezpur Police Station stating inter alia that on 26.09.2024, at about 06:00 pm, his daughter, Miss Sehnaj Parbina (aged about 15 years) was taken away by accused Ijajul Islam.
- 2.** On receipt of the FIR, the Officer-in-Charge, Tezpur PS registered a case being Tezpur PS Case No. 626/2024 and endorsed SI Ujjal Kr. Das to investigate into the case. After completion of investigation, the I/O laid chargesheet u/s 87 of BNS against the accused person.
- 3.** When accused Ijajul Islam appeared before the Court of the learned Chief Judicial Magistrate, Sonitpur, Tezpur, the said learned Court vide order dated 05.01.2026 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 26.09.2024, at about 06:00 pm, abducted Miss Sehnaj Parbina 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 02 (two) witnesses in the case. They are as follows :-
 - (i) Md. Sahjamal
(informant/father of victim) - PW1
 - (ii) Miss Sehnaj Parbina (victim) - PW2
5. The defence plea is of total denial. The defence did not adduce any evidence in this case. The statement of the accused was not recorded u/s 351 of BNSS as there was no incriminating evidence against him.

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 one and a half years back, one day, his daughter, Sehnaj Parbina went missing from the house and while searching for her, he came to know that Sehnaj Parbina had gone to the house of the mother of accused Ijajul Islam as she was in love with Ijajul Islam and so, he lodged an ejahar against him in Borghat OP under Tezpur PS and that after about 17 days, Sehnaj Parbina came to Borghat OP and police of Borghat OP informed him about it and he came to Borghat OP and took back Sehnaj Parbina to their house and on inquiry, Sehnaj Parbina told him that she and Ijajul Islam were in love with each other and so, she voluntarily went to the house of the accused.

During cross-examination, PW1 stated that accused Ijajul Islam did not forcefully kidnap Sehnaj Parbina.

9. PW2 (victim) stated in her examination-in-chief that about one and a half years back, she had gone to the house of accused Ijajul Islam without informing her family members as she and

Ijajul Islam were in love with each other since last six years and after staying for about seventeen days in the house of the accused, she came to Borghat OP and police of Borghat OP informed her father, Sahjamal about her coming there and her father came to Borghat OP and took her back home and later, she came to know that her father had lodged an ejahar against the accused.

During cross-examination, PW2 stated that she had voluntarily gone to the house of the accused on the day of occurrence and that accused Ijajul Islam did not kidnap her. PW2 also stated that she stayed in the house of the accused for 17 days voluntarily and she had slept with the mother of the accused during all those 17 days.

- 10.** From the aforesaid evidence on record, it transpires that both the informant and the victim did not implicate the accused with the alleged occurrence as stated in the FIR. The evidence of PW1, father of victim goes to show that his daughter (victim) went missing from the house and while searching for her, he came to know that she had gone to the house of the mother of the accused as she was in love with the accused and he lodged an ejahar against him and after about 17 days, his daughter came to Borghat OP and he came to Borghat OP and took back his daughter to their house and that on inquiry, his daughter told him that she and the accused were in love with each other and so, she voluntarily went to the house of

the accused. PW1 clearly testified that the accused did not forcefully kidnap the victim. PW2 is the victim. She testified that she had gone to the house of the accused without informing her family members as she and the accused were in love with each other since last six years and after staying for about 17 days in the house of the accused, she came to Borghat OP and her father took her back home from Borghat OP. She clearly testified in her cross-examination that she had voluntarily gone to the house of the accused on the day of occurrence and that the accused did not kidnap her. She also testified that she stayed in the house of the accused for 17 days voluntarily. Thus, there is no incriminatory evidence on record against the accused person. The existing evidence available on record is absolutely deficient to bring home the charge against the accused person.

- 11.** 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 Ijajul Islam 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.
- 12.** 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
20th day of April, 2026 at Sonitpur, Tezpur.

Dictated & corrected by me,

(K. Hazarika)
Sessions Judge
Sonitpur, Tezpur

(K. Hazarika)
Sessions Judge
Sonitpur, Tezpur