

IN THE COURT OF ASSISTANT SESSIONS JUDGE, UDALGURI, ASSAM Sri Shah Syed Ahadur Rahman, A. J. S., Asstt. Sessions Judge, Udalguri, Assam. Date of Judgment : 23-12-2022 Sessions Case No. 116/2022 U/S 366 IPC P.S- Khoirabari.	
COMPLAINANT:	Nabin Barman.
REPRESENTED BY	Mr. B.K. Chetry, Learned A.P.P.
ACCUSED	A1. Bishu Barman, S/O-Late Upen Barman, R/O-village Uttar Gurihati, P.S.-Khoirabari, Dist-Udalguri (Assam).
REPRESENTED BY	Mr. T.C. Boro, Learned Counsel.
Date of Offence	23-07-2020
Date of FIR	24-07-2020
Date of Charge Sheet	30-11-2020

Date of Framing of Charges	07-12-2022
Date of commencement of evidence	23-12-2022
Date on which Judgment is reserved	Nil
Date of Judgment	23-12-2022
Date of the Sentencing Order, if any	Nil

Accused Details:

R an k of th e Ac cu se d	Name of Accuse d	Date of Arres t	Date Relea se on Bail	Offenc es charge d with	Whethe r Acquitte d or convicte d	Senten ce Impos ed	Period of Detentio n Undergo ne during Trial for purpose of Sec. 428 Cr.PC
A1	Bishu Barman	Nil	Nil	U/S 366 IPC	Acquitted	-	0 days

JUDGMENT

1. This is an unfortunate incident which led to the filing of an ejahar at Khoirabari P.S. on 24-07-2020, by the complainant Sri Nabin Barman, S/O-Sri Dijendra

Barman, R/O-village Gurihati under Khoirabari P.S. in the district of Udalguri, Assam in which it has been stated that on 23-07-2020, at about 03 pm, in the evening, the accused kidnapped the victim by inducing her, hence, this case.

2. After receipt of the ejahar, Khoirabari P.S. registered a case vide Khoirabari P.S. Case No. 35/20 under Section 366 of IPC. After completion of investigation, police submitted charge sheet against the accused **Bishu Barman** under Section 366 of IPC.
3. On 17-11-2022, the committal Magistrate after complying the provisions of Section 207 Cr.P.C. committed the case record to the Court of Sessions as charge sheeted Section 366 of IPC is exclusively triable by the Court of Sessions.
4. Thereafter, the Hon'ble Court of Sessions transferred the case record to this Court on 23-11-2022, for disposal.
5. After hearing both the parties, and after going through the relevant materials, there appears prima facie material against the accused, hence charge was framed under Section 366 of IPC and the charge so framed was read over and explained to the accused, to

which the accused pleaded not guilty and claimed to stand trial.

6. Prosecution examined as many as two (02) witness. Also accused was examined under Section 313 Cr.P.C. and on being asked accused denied to adduce any defence evidence.

7. **Point for determination:**

- (i) Whether the accused kidnapped the victim-A with the intent that she may be compelled or knowing it to be likely that she would be compelled to marry against her own will or will be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse?

DISCUSSION, DECISION AND REASONS THEREOF:

8. I have heard the contentions of the learned Addl. P.P. appearing for the State as well as the learned defence counsel appearing for the accused person.
9. Before appreciating the evidence of prosecution witnesses, let this Court first discuss the evidence of the

victim of this case who is examined as PW2. PW2 has deposed that the accused did not take her and accused did not kidnap her. On the other hand, the complainant and father of the victim, PW1 has stated that on suspicion against accused this case was lodged.

10. In view of above discussions, it appears that the prosecution has failed to establish the charge under Section 366 of I.P.C. against the accused Bishu Barman.
11. Situated thus the point for determination is decided in the negative and against the prosecution.

ORDER

12. In the result, the accused **Bishu Barman** is found not guilty under Section 366 of I.P.C., and acquitted of charge from the aforesaid section, and set at liberty forthwith.
13. The term of bail bond of accused person is extended for a period of 6 (six) months from to-day as provided u/s 437(A) Cr.P.C.
14. The seized materials, if any, be disposed of in accordance with law.

15. Let a copy of the judgment be sent to the learned District Magistrate, Udalguri for his information as provided in section 365 Cr.P.C.
16. Let the case record be consigned to record room after completing the formalities.
17. Judgment is signed, delivered and pronounced in the open court today the 23rd day of December, 2022.

Dictated & corrected by me

(S.S.A. Rahman)
Asstt. Sessions Judge
Udalguri.

(S.S.A. Rahman)
Asstt. Sessions Judge
Udalguri.

**LIST OF PROSECUTION/ DEFENCE/ COURT
WITNESSES**

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW1	Nabin Barman	Other witness.
PW2	The victim	Eye witness.

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
-	-	-

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
	NIL	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Ext.P-1/PW1	Ejahaar
2	Ext.P-2/PW2	Victim Statement u/s 164 Cr.P.C

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	-

