

IN THE COURT OF THE ADDL. DIST. & SESSIONS JUDGE  
FAST TRACK 7<sup>th</sup> COURT, BICHAR BHAWAN, CALCUTTA

PRESENT : SRI NARENDRA NATH DASGUPTA

SESSIONS CASE NO. 46 OF 2012  
SESSIONS TRIAL NO. 2 (10) 2012

(Hastings PS Case No. 330 dated 24.11.99)

S T A T E

- Vs -

Aklima Bibi;

..... Accused Person

U/S120B/366A/511 IPC.

Judgement Delivery date : 18-03-2013

J U D G E M E N T

The sole accused is facing trial on the above Penal Sections. The brief fact of the prosecution case, as it appears from the written complaint, is enumerated below :-

Marufa Khatun, PW1, a resident of Gainpara, P. O. Barasat, P. S. Jaynagar, South 24 Parganas, made a statement on 24-11-1999 before the Officer of the Hastings PS, which has been treated as written complaint in this case. It has been ventilated in the instant complaint that she left her native village after having quarrel with her inmates and came at Sealdah Railway Station and there she met another girl who arranged for her work at Kanpur, Utar Pradesh. Accordingly she went there and engaged herself as a domestic help in the house of one Mohit at Noori Road at Kanpur for a monthly salary of Rs.200/-. There she experienced heavy labour and the amount which she got as salary was very meager. There she met Aklima Bibi, the present accused, who was her neighbour and before her, she divulged her pain. Both of them arranged to return back to Calcutta and accordingly they came in the house of Md. Hossain, who used to reside beside the house of the sister of Aklima at Lichubagan, Howrah.

On 24-11-99 at 10-00 AM PW1 along with Aklima and Hossain started from Lichubagan and came near the Mazhar of Sayed Baba. After that she noticed that Aklima and Hossain were talking with a black complexioned boy and after a few times, the said boy left the place and another one came and replaced the former. They started talking with each other. PW1 smelt something fishy in the conversation of those persons and she came to learn that they were talking to sale her in some nasty place. She tried to fled away and she met police at a few distance and sought for help from them. Accordingly, police rescued her and she made the above statement before the police which has been treated as a written complaint in this case giving birth to Hastings PS Case No. 330 dated 24.11.99. Investigation rolled on and ultimately ended in charge sheet. U/Ss 120B/366A/372/511 IPC against Aklima Bibi and Md. Hossain. Ultimately the case was filed against the accused Md. Hossain.

Charge has been framed against the sole accused Aklima Bibi U/Ss 120B, 366A and 120B/372 IPC read with Section 511 IPC to which she stood for trial denying the charge..

#### POINT FOR CONSIDERATION

The only point to be decided in this case is whether the accused is guilty of the charge, so leveled against the accused.

#### DECISION WITH REASONS

Here, in this case the allegation against the accused is very much serious but unfortunately none of the prosecution witness including the de facto complainant, PW1, Marufa Bibi has highlighted the prosecution case even for slightest extent.

PW1, has turned hostile and she has denied that she ever made any statement before the police. Her signature was obtained on a blank paper. She has also denied the entire prosecution case.

PW2, Jay Prakash Shaw, PW3, Ajay Singh and PW4, Uttam Kumar Singh, - all turned hostile and did not support the prosecution case. They have flatly deposed that they do not know anything regarding this case for which they have been summoned.

Ld. Prosecutor has submitted that the IO of this case is completely bed ridden after his retirement from service on 01-04-12. He has suffered a cerebral attack recently and is not in a position to move, medical document has been filed to that effect . Ld. Prosecutor has further submitted that considering the trend of the prosecution witnesses and keeping in mind the physical condition of the IO, he is not willing to proceed with the case further and accordingly the prosecution case was closed. The written complaint itself is not proved.

In view of the fact that all the prosecution witnesses turned hostile, the inevitable corollary is that the accused is not found guilty of the charge, so leveled against her.

Accordingly, it is,

O R D E R E D

that the accused Aklima Bibi is acquitted u/s 235(1) CrPC. Surety is discharged from the bail bonds.

The seized articles be disposed of under the provision of Section 452(3) CrPC.

D/C by me :

Additional District & Sessions Judge  
Fast Track 7th Court  
Bichar Bhawan, Calcutta.