

**IN THE COURT OF ADDL. SESSIONS JUDGE (FTC),
LAKHIMPUR, NORTH LAKHIMPUR.**

ASLK010012872018



PRESENT: **SRI ABU ARIF KHAN, A.J.S.**
ADDL. SESSIONS JUDGE (FTC),
LAKHIMPUR, NORTH LAKHIMPUR.

DATE OF JUDGMENT: 10/07/2026.

SESSIONS CASE No.219(NL)/2018.

[G.R. Case No.65/2004, u/s-120(B)/121/121(A)/122 IPC, R/w- Sec.10/13
of UA (P) Act]

Prosecutor	State of Assam
Represented by	Sri Prasanta Dutta, Addl. P.P.
Accused	Sri Hiranya Borah @ Hemanta (A1). Sri Anil Basumatary (A2).
Represented by	Smt. Puspanjali Saikia, Advocate

Date of Offence	On or prior to 18.01.2004
Date of FIR	18.01.2004
Date of Charge-sheet	30.03.2018
Date of framing of charge	21.12.2018
Date of commencement of evidence	03.09.2019
Date of Argument	10.07.2026
Date of the Judgment	10.07.2026
Date of sentencing order, if any	N/A

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Accused details

Rank	Name of the 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 the purpose of Section 428 CrPC
A1	Sri Hiranya Borah @ Hemanta.	20.01.2004	17.10.2005	U/s-120(B)/121/122 of IPC, R/w-	Acquitted	N/A	635 Days.
A2	Sri Anil Basumatary.	20.01.2004	08.12.2005	Sec.10/13 of UA (P) Act.	Acquitted	N/A	867 Days.

**JUDGMENT****Prosecution case.**

1. The brief facts of the case are that The complainant Sri Dimbeswar Roy, the then O/C of Bihpuria PS lodged an Ejahar on 18.01.2004 stating that the accused of ULFA militant are namely- Sri Hiranya Bora @ Hemanta Borah was apprehended by Royal Bhutan army and was handed over to Rongia PS District- Kamrup, Assam and registered a case vide Rongia PS case No. 486/2003, U/s-121(A)/122/125 of IPC, R/w- Sec.10/13 UA(P) Act & Sec. 25(1-A) of Arms Act. The informant has also alleged that another accused ULFA militant namely- Sri Anil Basumatary @


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Godapani Gogoi were apprehended by Royal Bhutan Army and was also handed over to the Tongla PS Dist: Darrang Assam and registered a case vide Tongla PS case No.54/2003, U/s-120(B)/121(A)/122 IPC, R/W Sec.10/13 of U.A. (P) Act, R/w Sec.25(-A) of Arms Act. The informant has also alleged that the Royal Bhutan Army recovered Arms & ammunition, explosive substance from the possession of the both arrested accused persons. The accused persons were also involved with the Bihpuria PS Case No.178/1997, U/s-147/148/149/448/326/307/427/429 of IPC, R/w- Sec. 10/13 of U.A. (P) Act and Bihpuria PS Case No.200/2001, U/s-120(B)/121/122 of IPC R/W- Sec.10/13 of U.A. (P) Act. Further, the informant has stated that in course of the investigation it was revealed that the accused were involved in different kind of offences like kidnapping, murder, extortion etc. at Bihpuria PS area and also different places of Assam. In this regard a show-moto case had been registered vide Bihpuria PS Case No.12/2004 U/s- 1201(B)/121/121(A)/122 of IPC, R/w- Sec.10/13 of UA(P) Act against the accused persons.

Investigation:

2. On the basis of the FIR, the then O/C of Bihpuria PS registered a case vide Bihpuria P.S. Case No.12/2004




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under Sec.120(B)/121/121(A)/122 of IPC, R/w- Sec.10/13 of U.A. (P) Act and then investigation was started. During investigation, the Investigating Officer (I/O) visited the place of occurrence, prepared sketch-map of the place of occurrence, and recorded statement of all the witnesses. The IO also arrested the accused persons namely, Sri Anil Basumatary @ Gadapani Gogoi and Sri Hiranya Borah @ Hemanta Boruah and forwarded them to the Court. After completion of investigation the IO submitted the Charge-sheet under Section- 120(B)/121/121(A)/122 of IPC, R/w- Sec.10/13 of UA (P) Act against the accused persons namely, Sri Hiranya Borah @ Hemanta Boruah and Sri Anil Basumatary @ Gadapani Gogoi.

Committal

3. On the basis of the Charge-sheet, Ld. Court of Magistrate took cognizance of the offence and upon appearance of the accused persons and copies of relevant documents were supplied to the accused persons as per provision of Section 207 CrPC. Subsequently the case was committed to the Court of Sessions as per section 209 of CrPC, as the offences are exclusively triable by the Court of Sessions.

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Charge:

4. That upon committal of the case, and after hearing Learned Addl. P.P. for the state and Ld. Counsel for the accused as well as considering materials available in the case record, the charges u/s-120(B)/121/122 of IPC, R/w-Sec.10/13 of UA (P) Act were framed against the accused persons which was read over and explained to the accused persons, to which they had pleaded not guilty and claimed to be tried.

Trial:

5. During the course of trial, the prosecution has examined only 02 (two) Nos. of PWs and also exhibited no any document.

Argument:

6. I have heard the learned Counsels of both sides.
7. I have considered the submission of the Learned Counsels of both the parties and also gone through the case record.
8. Ld. Addl. PP, Mr. Prasanta Dutta for the prosecution has made submission that the accused persons were the members of the banned ULFA organization, who waged war against the Govt. of India and also had been engaged in the unlawful activities of banned ULFA organization.



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The prosecution has been able to establish the guilt of the accused persons beyond all reasonable doubt.

9. In contrary, the Ld. Counsel for the defence submits that the I/O has failed to seize any documents from the accused persons to establish that the accused persons were the member of banned ULFA. There is no cogent evidence found against the accused persons. The prosecution has failed to bring home the charge against the accused persons and as such, the accused persons are entitled to get acquittal.

POINTS FOR DETERMINATION:

(I) Whether the accused persons, on or prior to the month of December, 2003 within the area of Bhutan, Agreed with Activities of banned organization ULFA and others to do (or caused to be done) an illegal act namely-involved in the activities of ULFA organization by illegal means and besides the above said agreement that they did some acts, in pursuance of the said agreement to commit the offence of acting as ULFA militants, and thereby committed an offence punishable under Section **120(B) of IPC?**

(II) Whether the accused persons on or about the same date, time and place, attempted to wage war against the Government of India, thereby committed an offence under Section- **121 of IPC?**

(III) Whether the accused persons on or about the same date, time and place, collected men, arms and ammunitions etc. with the intention to wage war or being prepared to wage war, against the Government of India,




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thereby committed an offence under Section- **122 of IPC?**

(IV) Whether the accused persons on or about the same date, time and place, being the members of banned ULFA Organization, were apprehended by the police while they were preparing to wage war against the Government of India, dealing with sophisticated arms and ammunitions, thereby committed an offence under Section- **10/13 of U.A.(P) Act?**



DISCUSSION, DECISION & REASONS THEREOF:

10. Now, let me discuss- whether the evidence available on record is sufficient to prove the offence alleged against the accused persons.

11. The PW1, Smt. Chenimai Bora has deposed that she does not know the informant. She knows the accused Hiranya Borah, who is her 'Deor' (brother-in-law) but she does not know the other accused person. She has also deposed that she does not know anything about the alleged incident.

12. The defence has declined to cross examine the PW1.

13. The PW2, Sri Kon Dutta @ Dipankar Dutta has deposed that he does not know the informant Dimbeswar Das. He does not know the accused persons preset in the dock. The incident had taken place in the year 2004. On


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the day of incident, he had gone to Bihpuria PS for his personal works and police asked his name and address and the police when he told that he did not know anything about the incident. The police did not interrogate him.

14. The defence has declined to cross examine the PW2 too.

Appreciation of evidence:

15. From the forgoing discussion on the evidence available on record, it appears that none of the prosecution witnesses have implicated any of the accused persons in any way showing their involvement in the commission of the alleged offence.

16. The evidence of **PW1** is that she does not know the informant of this case and she also does not know anything about the alleged incident. She only knows the accused Hiranya Borah being his brother-in-law.

17. The other i.e. **PW2** has expressed his ignorance about the alleged incident and he also deposed that he does not know the informant as well as the accused persons.

18. On the other hand, the prosecution has failed to examine the informant of this case to prove the contents



of the FIR and also, no any eye witness of this case belonged to the place occurrence has been examined by the prosecution in order to prove the fact of seizure of arms and ammunitions as alleged in the FIR lodged by the informant. Moreover, none of the independent witnesses examined by prosecution has uttered a single word implicating any of the accused persons showing their involvement in this case in any way.

19. Thus, from the evidence available in the case record, it appears that the witnesses have totally failed to disclose any incriminating materials against the accused persons to prove the offences as alleged against them in the FIR.

20. In view of the above discussion made herein above, and considering all aspects, I find and hold that the prosecution has totally failed to prove its case u/s- 120(B)/121/122 of IPC R/w- Sec. 10/13 of U.A. (P) Act against any of the accused persons. Hence, accused A1 and A2 are acquitted from the said charges.

21. In the result, the accused persons namely, **Sri Hiranya Borah @ Hemanta Boruah** and **Sri Anil Basumatary @ Gadapani Gogoi** are acquitted from the above said charges.




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22. The accused persons are set at liberty forthwith and their bail bonds shall remain in force for another 6(six) months from today u/s- 481 of BNSS.

23. The case is disposed of. The seized articles, if any, be disposed of in due course.

24. Return the GR record to the learned Committal Court with a copy of this Judgment.

25. Inform the District Magistrate, Lakhimpur, North Lakhimpur.

Given under my hand and the seal of this court on this the **10th day of July, 2026** at North Lakhimpur.



(Abu Arif Khan, AJS)
Addl. Sessions Judge (FTC),
Lakhimpur, North Lakhimpur.

Addl. District Judge (FTC)
Lakhimpur, North Lakhimpur.

Dictated and corrected by me:

(Abu Arif Khan, AJS)
Addl. Sessions Judge (FTC),
Lakhimpur, North Lakhimpur.

Addl. District Judge (FTC)
Lakhimpur, North Lakhimpur.

Picked up and typed by:
Shri Diganta Chetia, Steno.(Gr.-I).

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES**A. Prosecution**

Rank	Name	Nature of witnesses (Eye-witness, Police Witness, Expert Witness, Panch Witness, other witness)
PW1	Smt. Chenimai Borah	Other witness
PW2	Sri Kon Dutta @ Dipankar Dutta	Other witness

B. Defence witnesses, if any

Rank	Name	Nature of witnesses (Eye-witness, Police Witness, Expert Witness, Panch Witness, other witness)
	NONE	

C. Court witnesses, if any

Rank	Name	Nature of witnesses (Eye-witness, Police Witness, Expert Witness, Panch Witness, other witness)
	NONE	

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS**A. Prosecution Exhibits**

SL. No.	Exhibits Number	Description
1	Nil	

B. Defence Exhibits

SL. No.	Exhibits Number	Description
	None	

C. Court Exhibits

SL. No.	Exhibits Number	Description
	None	

D. Material Object

SL. No.	Exhibits Number	Description
1	None	



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