

IN THE COURT OF ADDITIONAL SESSIONS JUDGE (FTC)::AT DHUBRI.

Present:- P. Buragohain, AJS.

Session Case No. 15/11.

State of Assam.

-Vs-

Beraj AliAccused-person.

Appearance :

Mr T. A. Bepari, Addl. P P.....For the State.

Mr. Sahabul AhmedFor the accused.

Dates of Evidence: 05-01-12; 18-09-12; 21-12-12; & 08-02-13.

Date of Argument: 08-02-13.

Date of Judgement: 11-02-13.

-JUDGEMENT-

The case has been committed by Ld. Sub-Divisional Judicial Magistrate, Bilasipara.

The brief fact of the prosecution case, inter-alia, is that on 02-06-06 the informant being the husband of the victim woman lodged an Ejahar reporting that on 29-05-06 at about 10-00am while he was absent in his house, the accused along with others on false promises eloped his wife and confined her somewhere in concealment. Therefore, the informant prayed for necessary action.

That on receipt of the said First Information Report, the police registering a case vide Bagaribari PS Case No.77/06 u/s 366/34 of IPC took up the investigation and on completion of investigation, the police submitted a charge-sheet against the accused sending him up to stand trial for the offences punishable u/s 366/376 of IPC. Hence, the instant case in hand. That on appearance of the accused, the learned committal Court on furnishing the copies of the police-papers to him committed the case for trial.

And on appearance of the accused, on hearing both sides & on the materials on record, charges punishable u/s 366/376 of IPC was framed against the accused and same was read over & explained to him to which he pleaded not guilty and claimed to be tried.

During trial, the prosecution in support of its case has examined six witnesses including the Investigating Officer but the informant & the victim woman as well as other witnesses have in their respective depositions entirely denied the prosecution case for which the examination of the accused for recording his statements u/s 313 of Cr PC is dispensed with for lack of incriminating evidence against him.

I have heard arguments put forward by the Learned Counsel of both sides and carefully gone through the entire evidence on record.

