

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

Present:- P. Buragohain, AJS.

Session Case No. 111/07.

State of Assam.

-Vs-

Yusuf AliAccused-person.

Appearance :

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

Mr. M. RahmanFor the accused.

Dates of Evidence: 01-04-08; & 11-08-09.

Date of Arguments: 04-02-13.

Date of Judgement: 13-02-13.

-JUDGEMENT-

The case has been committed by Learned Judicial Magistrate, Bilasipara. The brief fact of the prosecution case, inter-alia, is that on 21-04-05 the informant-the father of the victim girl lodged an Ejarah reporting that on 04-04-05 at about 08-00pm while his minor daughter went out to the house of one Badyutzamal to bring Kerosene oil on the way the accused gagging her mouth with a Gamusha (towel) took her to the nearby field and committed rape on her. Therefore, the informant prayed for necessary action.

That on receipt of the said First Information Report, the police registering a case vide Bilasipara PS Case No.89/05 u/s 376(A) 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 376/354 of IPC. Hence, the instant case in hand.

That on appearance of the accused, the learned committal Court committed the case after furnishing copies of the police-papers to him. And on appearance of the accused, charges punishable u/s 341/376/354 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 5 (five) witnesses. And in view of the evidence on record, the accused is examined & recorded his statements u/s 313 of Cr PC wherein he has taken the plea of total denial and declined to adduce his defence evidence.

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

Now, the points for determination in the instant case are:-

