

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

Present:- P. Buragohain, AJS.

Session Case No. 90/12.

State of Assam.

-Vs-

Anarul Islam, Ms. Basitan Bewa, Ms. Tarabhan Khatun,
& Ms. Pangabashi Kkatun..... Accused-persons.

Appearance :

Mr B.R.Basumatary, Addl. P P.....For the State.

Mr. S. R. SarkarFor the accused.

Dates of Evidence: 18-02-13.

Date of Argument: 18-02-13.

Date of Judgement: 18-02-13.

-JUDGEMENT-

The case has been committed by Learned Sub-Divisional Judicial Magistrate, Dhubri.

The brief fact of the prosecution case, inter-alia, is that on 27-06-06 the informant being the victim girl lodged an Ejahar reporting that the accused-No.1 committed rape upon her resulting in her pregnancy and on being reported to him about her pregnancy but the accused refused to marry her and she called a village Bichar but no solution was held, thereafter, she went to the house of the accused and at that time the other accused-persons mercilessly beaten her causing injuries on her person. Therefore, the informant prayed for necessary action.

That on receipt of the said First Information Report, the police registering a case vide Mankachar PS Case No.165/06 u/s 376/420/325 of IPC took up the investigation and on completion of investigation, the police submitted a charge-sheet against the accused – persons sending them up to stand trial for the offences punishable u/s 376/420/325/34 of IPC. Hence, the instant case in hand. That on appearance of the accused, the learned committal Court furnishing copies of the police-papers to them committed the case for trial.

And on appearance of the accused-persons, on hearing both sides & on the materials on record, charges punishable u/s 376 of IPC was framed against the accused Anarul Islam & charge u/s 323/34 of IPC against other accusedpersons and same was read over & explained to them to which they pleaded not guilty and claimed to be tried.

During trial, the prosecution in support of its case has examined two witnesses the informant-victim & her elder brother but they have negated the entire case of the prosecution and the prosecution has declined to proceed further with the case; as such the evidence of the prosecution is closed and the examination of the accused-persons u/s 313 of Cr PC is dispensed with for lack of incriminating evidence against them.

