

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

Present:- P. Buragohain, AJS.

Session Case No. 233/11.

State of Assam.

-Vs-

Sahinur KaziAccused-person.

Appearance :

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

Mr. Y.A. BepariFor the accused.

Dates of Evidence: 17-12-12.

Date of Argument: 20-02-13.

Date of Judgement: 20-02-13.

-JUDGEMENT-

The case has been committed by Ms. M. Hussain, Judicial Magistrate, 1st Class, Dhubri.

The brief fact of the prosecution case, inter-alia, is that on 13-04-07 the informant being the brother of victim girl lodged an Ejahar reporting that on 12-04-07 about 07-00pm while his sister was coming from urinal; the accused gagging the mouth by a cloth dragged her to the bank a river 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 South-Salmara PS Case No. 75/07 u/s 376 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 of IPC. Hence, the instant case in hand. That on appearance of the accused, 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 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 three witnesses-the victim, the mother of the victim girl and the informant-the elder brother of the victim girl but they in their depositions have entirely denied the prosecution case for which the prosecution has declined proceed further with the case and the evidence of the prosecution is closed. The examination of accused 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.

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

Whether the accused 07-00pm on 12-04-07 at Mathakata under South Salmara Police-Station committed rape on P.W.1-the sister of the informant as alleged?

