

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

Present:- P. Buragohain, AJS.

Session Case No. 232/12.

State of Assam.

-Vs-

Sarifuddin; Nausad Ali & Fazar AliAccused-persons.

Appearance :

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

Mr. U. K. DuttaFor the accused.

Dates of Evidence: 19-02-13.

Date of Argument: 19-02-13.

Date of Judgement: 20-02-13.

-JUDGEMENT-

The case has been committed by Learned Additional Judicial Magistrate, Dhubri.

The brief fact of the prosecution case, inter-alia, is that on 02-02-09 the informant being the victim woman lodged an Ejarah reporting that on 31-01-09 at about 01-00am the accused persons wrongfully confined her in a house and committed gang rape on her with criminal intimidation. Therefore, the informant prayed for necessary action.

That on receipt of the said First Information Report, the police registering a case vide Golukganj PS Case No.50/09 u/s 120B/384/342/376/506 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 120B/342/376/506 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 persons, on hearing both sides & on the materials on record, charges punishable u/s 120B/342/376(2)(g)/506 of IPC was framed against the accused Sarifuddin & Nausad Ali and charges punishable u/s 120B/342/506 of IPC is framed against accused Fozar Ali 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 only the informant-cum-victim woman but she in her deposition has 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-persons u/s 313 of Cr PC is dispensed with for lack of incriminating evidence against them.

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 accused persons about 01-00am on 31-01-09 at Pokalaagi part-I under Golukganj Police-Station agreed to wrongfully confine & gang rape and criminal intimidation to the informant did so in pursuance of said agreement, thereafter, wrongfully confining her committed gang rape on her with criminal intimidation as alleged?

