

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

Present:- P. Buragohain, AJS.

Session Case No. 193/10.

State of Assam.

-Vs-

Asraf AliAccused-person.

Appearance :

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

Mr. R. Jain, AdvocateFor the accused.

Dates of Evidence: 22-03-11; 16-09-11; & 03-12-12.

Date of Argument: 28-02-13.

Date of Judgement: 28-02-13.

-JUDGEMENT-

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

The brief fact of the prosecution case, inter-alia, is that on 20-10-02 the informant being the uncle of the victim girl lodged an Ejahar reporting that on 19-10-02 about 12-00hrs while the victim girl was going from his home to her home on the way the accused gagging her mouth over powered her and dragging her inside the jungle, the accused committed rape on her, and also threatened with dire consequences if she discloses the occurrence. Therefore, the informant prayed for necessary action against the accused-person.

That on receipt of the said First Information Report, the police registering a case vide Chapar PS Case No. 109/02 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 376/506 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, on hearing both sides & on the materials on record, charges punishable u/s 376/506 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 informant-cum-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-person u/s 313 of Cr PC is dispensed with for lack of incriminating evidence against him.

