

IN THE COURT OF THE SESSIONS JUDGE AT DHUBRI

Session Case No.212/2013

U/s. 366 I.P.C.

G.R. Case No. (GPR) 199/2012

State of Assam

- Vs -

Md. Sofiqul Hoque

Committing Magistrate : Sri A. Ala, Judicial Magistrate 1st Class,
Dhubri

Present : Sri A. Bhattacharyya, AJS
Sessions Judge, Dhubri

Sri M. Zaman, Public Prosecutor for the State.
Sri I.U. Ahmed & M.A. Ahmed, Advocates for defence.

Date of Evidence : 04-11-2013

Date of Argument : 04-11-2013

Date of Judgment : 05-11-2013

J U D G M E N T

One Sahajul Hoque vide an ejahar dated 13-04-2012 states before the Gauripur Police Station that on 11-04-2012 at about 7 p.m. accused Sofiqul Hoque kidnapped his daughter namely Musstt. Awaliya Begum, aged about 17 years. It is further stated that despite his best efforts, he could not trace out his daughter. Thus the occasion of the ejahar.

2. The Gauripur Police Station on registration of a case took up the investigation and at the conclusion of the investigation laid the charge-sheet against the accused U/s.366 I.P.C.

3. After commitment and on the appearance of the accused before this Court, the charge under Sec.366 I.P.C. is framed against the accused. The charge so framed is read over, explained and interpreted to the accused to which he pleaded not guilty.

4. During trial the prosecution side after examining the informant and the victim closed their side. Statement of the accused is recorded. I heard arguments of the case from both the parties.

5. Now, the point for determination in this case will be as to whether the materials surfaced in the testimonies of the P.Ws would warrant conviction of the accused under Section 366 I.P.C. or not?

DECISIONS AND REASONS THEREON

6. To address the aforesaid point for determination, let us have a look at the evidences on record.

7. P.W-1 Md. Sahajul Hoque being the informant states before this Court during the trial that the victim Musstt. Awaliya Begum is his daughter. He knows the accused Sofiqul Hoque. The incident had taken place about 1 ½ years ago. His daughter was pursuing her studies at the relevant point of time, but she was found missing from the house. At that time her daughter was aged about 20/21 years. Thereafter, he laid ejahar under Ext-1 wherein Ext-1 (1) is his signature.

During cross-examination the P.W-1 states that his daughter was maintaining love affairs with the accused and out of love affairs his daughter went alongwith the accused at her own will. Since then they are living peaceful married life.

8. P.W-2 Musstt. Awaliya Begum states during trial that the incident had taken place 1 ½ years back. At that time she was aged about 21 years. She had maintained love affairs with the accused and as such she went alongwith the accused at her own will. Thereafter, they got married off and living peaceful married life with the accused. They have been blessed by a daughter. At the relevant point of time her father was not agreed, therefore, he laid case. Then police brought her to Court and got recorded her statement by the Magistrate. Ext-2 is the said statement wherein Ext-2 (1) and Ext-2 (2) are her signatures.

So these are all about the evidences on record.

9. On a minute perusal of the discussions of the testimonies of P.Ws who are the most material witnesses of this case, it is found that the victim being a major girl had maintained love affairs with the accused and out of the same she went alongwith the accused and got married off. Since, the aforesaid marriage, the victim has been living with the accused and they were also blessed by a female child.

10. The circumstances as has been revealed would not at all attract the ingredients of the offence under Section 366 I.P.C. Therefore, the offence alleged under Section 366 I.P.C. has not at all been established against the accused beyond all reasonable doubt.

11. Thus, the accused is acquitted and set at liberty forthwith. His bail bond stands discharged. Judgment is delivered in open Court.

Given under my hand and seal of the Court on this 5th
day of November, 2013.

Dictated & Corrected by me

Sessions Judge, Dhubri

Sessions Judge, Dhubri.