

IN THE COURT OF ASSTT. SESSIONS JUDGE :::::::::: BONGAIGAON.

Sessions Case No.122 (BGN)/2012.

State

Vs.

1. Babu Pasi, 2. Dipak Rabi Das and 3.
Uttam Mahato.---Accused

U/s 366/34 IPC.

Present:- Sri S. Das.
Asstt. Sessions Judge,
Bongaigaon.

*Appearance:- Mrs. C. Choudhury, Additional
P.P. for the State.*

*Mr. G. Biswas and R. Debnath, Advocates
for the accused.*

Date of Evidence :19.4.2013,
6.5.2013 17.5.2013,
Date of argument : 03.06.2013.

Date of judgment : 17.06.2013

J U D G M E N T A N D O R D E R

Brief facts --

1. Prosecution case in short is that complainant Tutu Manta lodged a written pehajar with New Bongaigaon Police out post under Bongaigaon police station alleging inter alia that on 30.3.11 at about 9 P.M his elder brother's daughter Smt Juli Manta aged about 17 years and her friends Smt Tarbina Kumari and Sourangshree Basumatary were kidnapped by Uttam Mahato, Babu Pasi and Dipak Rabi Das. The accused persons took them to Katihar in the state of Bihar. It is also alleged that on getting information the victims were recovered with the help of railway police.

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2. A case was registered in the Bongaigaon Police Station being case No. 143/2011 U/S 366A/34 IPC. Police started investigation and on completion of investigation submitted charge sheet against the accused Babu Pasi, Uttam Mahato and Dipak Rabi Das U/s 366/34 IPC and on appearance of the accused persons copies were furnished and the case was committed to the court of Hon'ble Sessions Judge, Bongaigaon and thereafter this case was transferred to this court for trial. On appearance of the accused before this court and on consideration of the materials on record and after hearing both the parties charge U/S 366/34 IPC framed against the accused Babu Pasi, Uttam Mahato and Dipak Rabi Das and read over and explained to them to which they pleaded not guilty and claim to be tried.

3. Prosecution in order to prove its case examined as many as 9 witnesses in all. Defence case was of total denial and adduced no evidence whatsoever.

4. *Point for determination -*

I) Whether on 30.3.2011 at about 9 P.M at West Colony under Bongaigaon Police Station the accused persons kidnapped/abducted Smt Juli Mahato, aged about 17 years and Smt Tarbina Kumari, aged about 17 years with intents that she/they might be compelled or knowing it likely that she/they would be compelled to marry another person against her/their will or in other that she/they might be forced or seduced to illicit intercourse and whether the accused persons committed above offence in furtherance of their common intention

5. I have gone through the evidence on record and heard argument of both sides.

Decision and reasons thereof

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