

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

Sessions Case No.125(S)/2011.

State

Vs.

Sri Santosh Basfore-----

Accused U/s 366 (A) IPC.

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

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

*Mr A. Kr. Deka, Advocate
for the accused.*

Date of Evidence : 15.6.12, 3.7.12,
27.7.12, 18.8.12.

Date of argument : 23.5.2013.

Date of judgment : 3.06.2013

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

Brief facts --

1. Prosecution case in brief is that on 8.3.2011 complainant Hakim Biswas lodged a written complaint before Gorubhasa police out post under Sidli police station alleging inter-alia that on 2.3.2011 at about 12 noon while he was away from home his daughter Smt Tultuli Biswas had gone to Garubhasa bazar. He came to know that his daughter had been kidnapped by Sri Santosh Basfore, Suni Baitha and Gofur Prasad Shaw and kept her confined in an unknown place.

2. On receipt of ejahar a case was registered at Sidli police station and started investigation and on completion of investigation police

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3/6/2013
Asstt. Sessions Judge,
Bongaigaon.

(2)

submitted charge sheet against the accused Santosh Basfore to stand trial U/S 366A IPC. After filing of charge sheet the case came up before the learned Judicial Magistrate who after furnishing copy committed the case to the Hon'ble Sessions Judge, Bongaigaon and thereafter, the Hon'ble Sessions Judge, Bongaigaon transferred the case to this court for trial. This court on appearance of the accused and on consideration of the materials on record and after hearing both sides charge against the accused U/S 366 (A) IPC was framed, read over and explained to the accused to which he pleaded not guilty.

3. Prosecution in order to prove its case examined 5 witnesses in all. Defence case was of total denial adduced no evidence whatsoever.

4. *Points for determination -*

(1) Whether on 2.3.2011 at about 12 noon accused kidnapped Tultuli Biswas a girl under the age of 18 years with intent that she may be compelled to marry or forced her to sexual intercourse with another person and thereby committed an offence U/S 366 A IPC ?

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

Decision and reasons thereof

Discussion of evidence

6. PW 1 is Hakim Biswas, the complainant. His evidence to the effect that on the date of occurrence he was at his shop. At about 12 noon his wife informed him that their daughter was missing. She also informed him that Santosh Basfor alongwith two others kidnapped his daughter. He lodged ejarah in the police station. 10(ten) days after the occurrence Santosh Basfor took her to Kokrajhar and police arrested them

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8/3/16/2013
Asstt. Sessions Judge.
Bongaigaon.

