

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

Sessions Case No. 35(J)/2010.

State

Vs.

Md. Sukur Ali Sheikh @ Md Sukur

Ali-----Accused

U/s 376 IPC.

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

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

*Mr. D. C.Nath, Advocate
for the accused.*

Date of Evidence : 29.4.10, 4.6.10,
9.8.10, 1.10.10, 25.10.10, 16.12.11,
11.10.12.

Date of argument : 04.4.2013.

Date of judgment : 11.04.2013

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

Brief facts --

1. The prosecution case is that on 31.3.07 complainant Asgar Ali lodged written complaint before the learned SDJM, North Salmara Abhayapuri alleging inter-alia that on 21.3.07 at about 1 P.M while his daughter Miss Alema Khatun had gone to wheat field to fetch her goat, accused Sukur Ali lifted her bodily and gagged her mouth and committed rape on her. On hearing cries one Mustt Aklima Khatun came to the place of occurrence and saw the occurrence. Two other persons also came to the place of occurrence, and the accused fled away. It is also stated in the ejahar that the complainant was away from home at the relevant time and on

Contd....

11/4/2013
Asstt. Sessions Judge,
Bongaigaon.

(2)

and on returning home he got ready to lodge the complaint in the police station. But the president of the village Panchayat told him that he would call a meeting to settle the matter amicably. But there was no settlement and hence he filed complaint in the court.

2. Learned SDJM, North Salmara, Abhayapuri on receipt of the complaint directed the O.C, Jogighopa Police Station to register a case, investigate and submit FF. Accordingly, a case being Jogighopa Police Station case no.44/2007 U/S 376/506/34 IPC registered in the Jogighopa police station. Police started investigation and on completion of investigation submitted charge sheet against the accused Sukur Ali to stand trial U/S 376 IPC. The case came up before the learned Eleka Magistrate and learned Eleka Magistrate on appearance furnished copy to the accused and committed the case to the Hon'ble Sessions Judge, Bongaigaon. Thereafter, the Hon'ble Sessions Judge, Bongaigaon transferred the case to this case court for trial. On appearance of the accused and on consideration of the materials on record and after hearing both sides framed charge against the accused U/S 376 IPC which was read over and explained to the accused to which he pleaded not guilty.

3. Prosecution in order to prove its case examined 10 witnesses in all. Defence case was of total denial and adduced no evidence whatsoever.

Point for determination -

Whether on 21.3.2007 at about 1 P.M at the wheat cultivating field of Md Khoimuddin Shekhar of village Tinikunia part II under Jogighopa police station committed rape on Alema Khatun, minor daughter of Askor Ali Sheikh and thereby committed an offence U/S 376 IPC ?

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

Contd...

8-11-4-2013
Hon'ble Sessions Judge
Bongaigaon.

