

Sessions Case No. 15(BGN)/2013.

U/S 376/511 IPC

State

Vs.

Md. Panbor Ali Accused.

***PRESENT : Smt. M. Nandi,
Sessions Judge,
Bongaigaon.***

***ADVOCATES APPEARED : Sri A. K. Nath, Public Prosecutor
for the State.***

*Sri M. Rahman, Advocate
for the accused.*

Date of Argument : 12.04.2013.

Date of Judgment : 12.04.2013.

12/4.
SESSIONS JUDGE
BONGAIGAON

JUDGMENT AND ORDER

1. This case has been instituted on a complaint petition filed by the complainant Bulbuli Begum. She stated in her complaint petition that the accused Panbor Ali is her step father. Her marriage was held with one Sahar Ali Mandal by following social custom of Muslim marriage. After their marriage, she went to the house of her husband but as per instances of the accused and his wife, the informant left the house of her husband and took shelter in the house of the accused. After that the accused demanded Rs. 1 lakh and was planning to get married of the informant with another person. On 23.02.2012 at about 1.30 AM at night, the accused attempted to commit rape on the informant. As the informant raised alarm, the accused had left the place. After that she left the house of the accused and took shelter in the house of her grand-mother.

2. On the complaint petition, one case was registered and after completion of investigation, submitted charge sheet against the accused Panbor Ali U/S 376/511 IPC. During trial the accused put his appearance before the court. He was enlarged on bail. Charge was framed U/S 457/376 IPC which was read over and explained to the accused to which he pleaded not guilty and

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claimed to be tried.

3. In this case, prosecution examined three witnesses and the defence examined none. The plea of the defence is the plea of denial.

4. **Point for determination**

1. *Whether the accused person on 23.02.2012 at about 1.30 AM at night at Dolaigaon under Bongaigaon Police Station attempted to commit rape on Bulbuli Begum and thereby committed an offence U/S 376/511 IPC ?*

DECISION AND REASONS THEREOF

5. To arrive at just decision of the case, let me consider the evidence of the witnesses.

6. PW 1 is Munia Bibi. She deposed in her evidence that accused is her husband and the informant is her daughter. The father of the complainant (Bulbuli)Mahammad Khan was her first husband. He gave Talaq to her. Later on, she got married to Panbor Ali. At the time of her marriage with Panbor Ali, Bulbuli was 1 ½ years old. The first wife of Panbor Ali Marjina is staying along with them and Bulbuli also was staying with them till her marriage. About two years back, marriage of Bulbuli was held with Sahar Ali Mandal. Due to torture caused by her husband, Bulbuli returned back to their house. For last one year, Bulbuli is stayiang in their house and Bulbuli lodged the case against her husband. After that her husband came and compromised the matter and took her to his house. Subsequently Bulbuli filed the instant case. After that her husband again drove out Bulbuli from his house. At present Bulbuli is staying along with her. Her husband did not commit any offence towards Bulbuli..

In her cross-examination, PW 1 replied they filed one case against the husband of Bulbuli Sahar Ali Mandal due to torture towards her. After that the husband of Bulbuli came and compromised the matter and took Bulbuli to their house and subsequently as per direction of her husband and father-in-law, Bulbuli filed the instant case. After that her husband gave Talaq to Bulbuli and drove her out from his house. Bulbuli also disclosed that she

