

Sessions (II) No. **05** of **2021**

**Present : Shah Syed Ahadur Rahman, AJS**

**JUDGMENT & ORDER (ORAL)**

10-12-21 The prosecution story is in brief is that the complainant Bholu Das, S/O-Lt Nedharam Das, resident of Potabil under Mazbat P.S. in the district of Udalguri, lodged an FIR stating inter alia that on 08-01-2020 at about 11 am, the accused enticed the victim girl aged about 16 years, to go with him. Hence the case.

After receipt of the ejahar, police registered a case vide Mazbat P.S. Case No. 02/20 under Section 366-A IPC. After completion of investigation, police submitted charge sheet under Section 366-A IPC against the accused person Tapan Das.

On 31-12-2020, the committal Magistrate after complying the provision of Section 207 Cr.P.C. committed the case record to the Court of Sessions as charge sheeted Section is exclusively triable by the Court of Sessions.

After perusal of the relevant papers and documents, my learned predecessor-in-office framed charge against the accused under Section 366-A IPC and the charge so framed was read over and

explained to the accused, to which the accused pleaded not guilty and claimed to stand trial.

Prosecution examined only three witnesses. Accused was examined under Section 313 Cr.P.C. Accused declined to adduce evidence.

For a just decision in the case, it is pertinent and appropriate to discuss the evidence on record. From the evidence of PW1, Smt. Dipika Das nothing implicating materials has come out as she does not know anything about the instant case.

PW2, Bhola Das father of the victim girl has deposed that as his daughter/victim girl eloped with the accused and this made him infuriated and subsequently lodged FIR against the accused. But in cross-examination, he has deposed that the victim girl is now with the accused, in his house.

PW3, is the victim girl has deposed that accused is her husband, which reveals that after elopement they might have got married and after reading of the deposition of PW3, if finally reveals that PW3 is a consenting party and she on her own will went with the accused as she had a love affair with him.

Above being the discussion it has been decided that prosecution has failed to bring the ingredients of offence U/S- 366-A of IPC against the accused

person beyond all reasonable doubt and accordingly the accused person is acquitted.

In the result, accused Tapan Das is found not guilty under Section 366-A IPC and acquitted of charge from the aforesaid section, and set at liberty forthwith.

(S.S.A. Rahman)  
Asst. Sessions Judge  
Udalguri.