

IN THE COURT OF ASSISTANT SESSIONS JUDGE:
GOALPARA

Sessions case No. 12/2020
U/s 341/366A of IPC

The State of Assam

-Vs-

Jiarul Islam

..... Accused person

Present : Smt. C.R. Saikia, A.J.S.
Assistant Sessions Judge, Goalpara

For the Prosecution: Mr. N.N. Islam, learned Addl. P. P.

For the accused: Mr. Z.R.Mallik, learned Advocate.

Evidence for the prosecution recorded on : 02/02/2021.

Statement of the accused: Dispensed with.

Argument heard on: 02-02-2021.

Judgment delivered on: 02-02-2021.

J U D G M E N T

1. The gist of the prosecution case as disclosed in the ejahar is that on 03/10/2019 at about 12:30 p.m. accused Jiarul Islam kidnapped Rabia Khatun, minor daughter of Joynal Abedin, from Rajmita Market. Joynal Abedin father of the victim girl lodged an ejahar before the I.C. of Jaleswar O.P. disclosing the said fact. On

receipt of the ejahar the I.C. of Jaleswar O.P. made G.D. Entry vide No. 46 dated 03/10/2019 and forwarded the ejahar to the O.C. of Lakhipur P.S. for registering a case.

2. On the basis of the ejahar Lakhipur P.S. Case No. 585/19 u/s 341/366/34 IPC was registered against accused persons. On completion of investigation police laid charge sheet against accused Jiarul Islam u/s 341/366A of IPC.

3. Learned Judicial Magistrate 1st Class, Goalpara committed this case for trial before Hon'ble Court of Sessions vide its order dated 24/01/2020 after complying with the provisions under section 207/209 Cr.P.C. On 10/02/2020 this court received the instant case for disposal from Hon'ble Sessions court on transmission.

4. After hearing learned counsels of both sides and on perusal of materials available on record this court formally framed charges u/s 341/366A IPC against the accused person vide its order dated 25/02/2020. The charge was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

5. Prosecution side adduced evidence of two witnesses in support of its case. Statement of the accused under section 313 Cr. P.C. is dispensed with as there is no incriminating evidence on record. I have heard the

argument of both sides, considered the contentions raised on behalf of both sides and perused the evidence on record.

The points for determination in this case are as follows:

6. (i) Whether the accused on 03/10/2019 at about 12:30 p.m. at village Rajmita Bazar under Lakhipur Police Station, Dist. Goalpara (Assam), wrongfully restrained victim Rabia Khatun and thereby committed an offence punishable u/s **341** of IPC ?

(ii) Whether the accused at the aforesaid time and place induced Miss Rabia Khatun, a minor girl, to go from Rajmita market with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with him or with another person and thereby committed an offence punishable u/s **366A** of IPC ?

DISCUSSIONS, DECISIONS AND REASONS THEREOF:

7. **P.W.1, Joynal Abedin**, who is informant of the case, deposed that the accused is his co-villager. That he lodged this case out of misunderstanding and he is not willing to proceed further with this case. It is in his evidence that he has no objection if the accused is acquitted from the alleged offences in this case. P.W-1

proves his ejahar as Exhibit-I wherein he has admitted his signature as Exhibit-I(i).

8. Learned defence counsel declined to cross examine P.W-1.

9. **P.W-2, Miss. Rabia Khatun**, is the victim in this case. She testifies that the accused is her co-villager. That her father lodged this case out of misunderstanding and they have already settled the matter with the accused. It is in the evidence of P.W-2 that she has no objection if the accused is acquitted of the alleged offences.

10. Learned defence counsel declined to cross examine P.W-2.

11. From the evidence as discussed above it is seen that there is nothing in the evidence to show the involvement of the accused person in the alleged offences. I am of the considered opinion that the prosecution has totally failed to lead cogent and convincing evidence to bring home the charge under section 341/366A of I.P.C. against the accused person. Therefore, accused person Jiarul Islam is acquitted of the alleged offences under sections 341/366A IPC. He is set at liberty forthwith. His bail bond is extended for six months under section 437A Cr.P.C.

12. Forward a copy of this judgment to the District Magistrate in compliance of section 365 of Cr. P.C.

Given under my hand and the seal of this Court on this 02nd day of February, 2021.

Dictated and corrected by me:

**(C.R.Saikia, A.J.S.)
Asstt.Sessions Judge, Goalpara**

Asstt.Sessions Judge, Goalpara

A P P E N D I X.

(Sessions Case No. 12/2020).

Prosecution witness :

P.W.1 Joynal Abedin (informant)

P.W.2 Miss. Rabia Khatun (victim)

Defencewitness :..... Nil.

Prosecution Document :

Exhibit-1 Ejahar.

DefenceDocument :..... Nil.

Court's witness :... .. Nil.

Court's Document :... .. Nil.

**(C. R. Saikia, A.J.S.)
Asstt. Sessions Judge,
Goalpara, Assam.**

