

**IN THE COURT OF ASSISTANT SESSIONS JUDGE:**  
**GOALPARA**

**Sessions Case No. 143/2019**

**U/s 366A of IPC**

**The State of Assam**

**-Vs-**

**Biswajit Das**

*..... 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. A. Rahman, learned Advocate.**

**Evidence for the prosecution recorded on :**  
**27/02/20,09/02/21.**

**Statement of the accused : Dispensed with.**

**Argument heard on: 09-02-2021.**

**Judgment delivered on: 09-02-2021.**

**J U D G M E N T**

1. The gist of the prosecution case as disclosed in the ejahar is that on 12/08/2019 accused Biswajit Das, S/o. Naresh Das of No. 2 Colony, Goalpara kidnapped Miss Hena Das, minor daughter of Biren Das of Bhalukdubi

under Goalpara Police Station. Biren Das lodged an ejahar before the O.C. of Krishnai Police Station disclosing the said facts.

2. On the basis of the said ejahar Krishnai P.S. Case No. 198/19 u/s 366A of IPC was registered against accused person named in the ejahar. On completion of investigation police laid charge sheet against accused Biswajit Das u/s 366A of IPC.

3. Learned S.D.J.M (S), Goalpara committed this case for trial before Hon'ble Court of Sessions vide its order dated 25/10/2019 after complying with the provisions under section 207/209 Cr.P.C. On 31/10/2019 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 my learned predecessor in office framed a formal charge u/s 366A IPC against the accused Biswajit Das vide its order dated 15/11/2019. 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 three 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.

**6. The point for determination in this case is as follows:**

Whether the accused on 14/09/19 at Jyotinagar under Krishnai Police Station induced Miss Hena Das, minor girl then under the age of 18 years to go from her father's house with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with him and thereby committed an offence punishable u/s **366A** of IPC ?

**DISCUSSION, DECISION AND REASONS THEREOF:**

7. **P.W.1, Biren Das** is the informant in this case who proves his ejahar as Exhibit-1 wherein he has admitted his signature as Exhibit-1(1). He deposed that he lodged this case as his daughter Hena Das had not returned home from her school. That later on police recovered his daughter from Guwahati and he received his daughter. P.W-1 deposed that he is not inclined to proceed further with this case. He has stated that he has no grievance against the accused.

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

9. **P.W-2, Padyarani Das**, is the mother of the victim in this case. Corroborating P.W-1, P.W-2 has deposed that her husband lodged this case as her daughter Hena Das had not returned from school. It is in the evidence of P.W-2 that she has no grievance against the accused.

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

11. **P.W-3, Hena Das**, is the victim in this case. Corroborating P.W-1 and P.W-2 she has deposed that her father lodged this case. That they are not inclined to proceed further of this case. It is in the evidence of P.W-3 that she has no objection if the accused is acquitted of the alleged offence.

12. Learned defence counsel declined to cross examine P.W-3.

13. 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 offence. 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 366A of I.P.C. against the accused person. Therefore, accused Biswajit Das is acquitted of the alleged offence under section 366A of IPC. He is set at liberty forthwith. His bail bond is extended for six

months under section 437A Cr.P.C.

14. 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 09<sup>th</sup> 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. 143/2019).

**Prosecution witness :**

P.W.1 ..... Biren Das (informant)

P.W.2 ..... Padyarani Das (mother of victim)

P.W.3 ..... Hena Das (victim)

**Defence witness :**..... Nil.

**Prosecution Documents :**

Exhibit-1 ..... Ejahar.

**Defence Document :**..... Nil.

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

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

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

