

IN THE COURT OF ASSISTANT SESSIONS JUDGE,
TINSUKIA, ASSAM

Present:- Ms. Leena Doley, AJS,
Assistant Sessions Judge,
Tinsukia, Assam.

(Date of Judgment:- 18.05.2022)

(Case No. : Sessions Case No. 22 (T) of 2021)

FIR No. : 1660/2018 Dated-17.12.2018

U/S 366A of IPC

Tinsukia P.S. Case No.1660/2018

COMPLAINANT:-

STATE OF ASSAM

REPRESENTED BY:-

Mr. B. J. Kakoti,
Learned Additional P.P.

ACCUSED:-

Sri Bibek Rajput,
Son of Sri Rajkumar Singh,
Resident of Gurba Road, Raja Nagar,
Near Renuka Cinema Hall, P.S.- Tinsukia,
District- Tinsukia, Assam.

REPRESENTED BY:-

Mr. Mithun Chowdhury,
Learned Defence Counsel



J.
18/05/2022.
Asst. Sessions Judge
TINSUKIA

Date of Offence:-	17.12.2018
Date of filing of FIR:-	17.12.2018
Date of Charge Sheet:-	30.06.2019
Date of Framing of Charges:-	09.04.2021
Date of commencement of evidence:-	23.02.2022 and 10.05.2022
Date of which Judgment is reserved:-	10.05.2022
Date of Judgment:-	18.05.2022
Date of Sentencing Order, if any:-	NIL



Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Sri Bibek Rajput	20.02.2021	20.02.2021	366A	Acquitted	NIL	NIL

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APPENDIX
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
P.W.-1	Naimuddin Ahmed	Complainant
P.W.-2	Smt. Tamanna Parveen	Victim

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
NIL		

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
NIL		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Ext.1	Ejhar
2.	Ext.P-2/P.W.2	Statement U/s.164 of Cr.P.C.

B. Defence:

Sr. No.	Exhibit Number	Description
NIL		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
NIL		

D. Material Objects:

Sr. No.	Exhibit Number	Description
NIL		



(Leena Doley, AJS)

Assistant Sessions Judge,

Tinsukia

Asstt. Sessions Judge
TINSUKIA

Before: Ms. Leena Doley, AJS

J U D G M E N T

1. The prosecution case in brief is that one Naimuddin Ahmed lodged an Ejahar in Tinsukia Police Station stating inter-alia that on 17.12.2018 at around 5:30 P.M., his minor daughter Miss Tamanna Parveen went to her private tuition class to Hijuguri near Biswanath Flour Mill but till late his daughter did not return home. On enquiry, Naimuddin Ahmed came to know that one Bibek Rajput, Son of Sri Rajkumar Singh has kidnapped Miss Tamanna Parveen. Hence, this case arose.

2. On receipt of the ejahar, the Officer-in-Charge of Tinsukia P.S. registered a case as Tinsukia P.S. Case No.1660/2018 U/S 366A of the Indian Penal Code against the accused person Bibek Rajput as named in the ejahar and conducted the investigation. On completion of the investigation, the I.O. submitted charge-sheet against the said accused u/s.366A of the Indian Penal Code.

3. The accused appeared in the Court of Additional CJM, Tinsukia and copies were furnished to the accused U/S 207 of Code of Criminal Procedure and thereafter the case was committed to the Hon'ble Court of Sessions Judge, vide Order dated 22.11.2019 in P.R.C. Case No.672/2019, U/S 366A IPC. On receipt of the case record the Hon'ble Sessions Judge, Tinsukia transferred the case to this Court for trial vide order dated 16.03.2021.



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4. The accused appeared in this Court on 16.03.2021 and he was allowed to remain in his previous bail.

5. The prosecution has examined two witnesses. The examination of the accused U/S 313 of Code of Criminal Procedure was dispensed with as there was no incriminating evidence against the accused.

6. I have heard the arguments advanced by learned Addl. P.P. and learned defence counsel and after considering all, I have framed the following point for determination.

7. POINT FOR DETERMINATION:-

A) Whether on 17.12.2018 at about 5:30 P.M., the accused kidnapped or abducted the victim girl namely, Miss Tamanna Parveen with intent or knowing that it is likely that she will be forced or seduced to illicit intercourse with the accused or any other person and thereby the accused committed an offence punishable U/S 366A of the Indian Penal Code?

If yes, what punishment does the accused deserve?

8. DECISIONS THEREON AND THE REASONS FOR THE DECISION:-

Now, let us discuss the points in the light of the evidences available with the case record.

(i) P.W.1 is the informant in this case and is the father of the victim and in his evidence has deposed that the



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incident took place in the month of December, 2018. He has deposed that on that day at around, 5:30 P.M., his daughter Tamanna Parveen went to attend her tuition class but thereafter, she did not return back. He further deposed that although they searched for their daughter they could not trace her out and so he lodged an Ejahar in Hijuguri Town Police Outpost under Tinsukia Police Station and has proved Ext.1 as the Ejahar and Ext.1(1) is his signature. P.W.1 has further deposed that his daughter was recovered by police and handed over to him and on being asked, his daughter stated that she was having a love affair with the accused and therefore, she willingly went away with the accused. He has further deposed that presently his daughter is married off to another person in Bihar.

(ii) P.W.1 in his cross-examination has admitted that he do not know, who had taken away his daughter and also admitted that his daughter stated before him that the accused did not kidnap or abduct her. He has also deposed that he do not want to proceed with this case and that he has no objection, if the accused is acquitted.

(iii) P.W.2 is the victim in this case and she in her evidence has testified that she knew the accused since 2015 and that the incident took place in the month of December, 2018. She has further deposed that on that day at 5:30 P.M., she was returning from her tuition class at Hijuguri and then she went away with the accused towards



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Jorhat in a Bus and stayed with the accused in the Jorhat Railway station for two days. She has deposed that after two days, they themselves returned to the police station at Tinsukia and informed police that she left with the accused on her free will. P.W.2 further testified that she was taken for medical examination by police and thereafter was brought to Court for recording her statement U/s.164 of Code of Criminal Procedure and she has proved Ext.P-2/P.W.2 as her statement recorded U/s.164 of Cr.P.C. and has proved Ext.P-2(1)/P.W.2 and Ext.P-2(2)/P.W.2 as her signatures. She has also deposed that as she disappeared for two days without giving information to her parents, her father lodged a complaint in the police station and that, now she is a married woman and lives with her husband and child in Bihar.



(iv) P.W.2 in her cross-examination admitted that she went along with accused on her free will to Jorhat for sightseeing and visiting the place and that she has no objection, if the accused is acquitted in this case.

(v) The prosecution did not adduce further evidence other than P.W.1 and P.W.2 being principal witnesses in this case and from a bare reading of their testimonies, it is evident that the victim P.W.2 did not incriminate the accused of giving inducement or applying force upon her for going away with him to Jorhat. It is seen that in the contrary, the victim P.W.2 admitted that she went along

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with the accused on her own free will as she was having a love affair with the accused. P.W.1 being the informant and father of the victim also in his cross-examination admitted that he does not know who took away his daughter and he has no objection if the accused is acquitted.

(vi) P.W.2 being victim did not utter anything about getting married with the accused or applying force upon her by the accused for having sexual intercourse with the accused or any other person, rather P.W.2 (victim) has stated that after she has returned willingly with the accused after two days of the incident, she has been married off to another person and has been living with her husband and one child in Bihar.

(vii) Since the two basic ingredients of applying force or seducement upon the victim to illicit intercourse is absent in this case though the victim and the accused went away to a different place without giving information to the victim's family, and as the victim did not incriminate the accused of having any intention to marry the victim and as it seems that the victim has willingly left with the accused for sightseeing and for visiting the place, in my opinion, the prosecution side has failed to prove the ingredients as required to prove the charge U/s.366A of the IPC against the accused beyond all reasonable doubt and therefore, the point is decided in negative.



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ORDER

9. In the result from the facts and circumstances of the case and evidences on record, this Court is of the opinion that the prosecution has failed in proving the charge U/S 366A Indian Penal Code against the accused beyond all reasonable doubt and hence, the accused is acquitted and is set at liberty forthwith and his bail bond is extended to another six months.

10. The Judgment is pronounced and delivered in the open Court, written in separate sheets of paper and tagged with the case record on this 18th of May, 2022 in Tinsukia under my hand and the seal of this Court.



A. 18/05/2022
(Leena Doley, AJS)

Assistant Sessions Judge

Tinsukia

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TINSUKIA

Dictated and corrected by me:-

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(Leena Doley, AJS)

Assistant Sessions Judge,

Tinsukia

Asstt. Sessions Judge
TINSUKIA

Annexure

Witnesses:

P.W.-1 : Naimuddin Ahmed

P.W.-2 : Smt. Tamanna Parveen

Exhibits:

Ext.1 : Ejahar

Ext.P-2/P.W.2 : Statement U/s.164 of Cr.P.C.



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