

IN THE COURT OF ASSISTANT SESSIONS JUDGE,
TINSUKIA, ASSAM

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

(Date of Judgment:- 09.05.2022)

(Case No. : Sessions Case No. 67 (CH) of 2021)

FIR No. : 72/2021 Dated-03.05.2021

U/S 366A of IPC

Sadiya P.S. Case No.72/2021

COMPLAINANT:-

STATE OF ASSAM
(Smt. Juranti Mili)

REPRESENTED BY:-

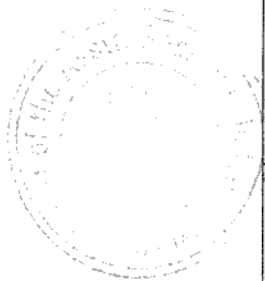
Mr. B. J. Kakoti,
Learned Additional P.P.

ACCUSED:-

Jamin Megu,
Son of Sri Anil Megu,
Resident of Borgorah, P.S.- Sadiya,
District- Tinsukia, Assam.

REPRESENTED BY:-

Mr. L. Baruah,
Learned Defence Counsel



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Date of Offence:-	27.04.2021
Date of filing of FIR:-	03.05.2021
Date of Charge Sheet:-	30.10.2021
Date of Framing of Charges:-	07.12.2021
Date of commencement of evidence:-	04.01.2022
Date of which Judgment is reserved:-	09.05.2022
Date of Judgment:-	09.05.2022
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 Jamin Megu	28.10.2021	07.12.2021	366A	Acquitted	NIL	NIL

S.
09/05/22
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TINSUKI



APPENDIX
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE
PW-1	Smt. Juranti Mili	Complainant
PW-2	Miss Nayanmoni Mili	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.2	Statement U/s.164 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		

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(Leena Doley, AJS)

Assistant Sessions Judge,

Tinsukia

Assistant Sessions Judge
TINSUKIA



Before: Ms. Leena Doley, AJS

J U D G M E N T

1. The prosecution case in brief is that on 03.05.2021 one Smti Juranti Mili filed an 'ejahar' in the Sadiya Police Station stating inter-alia that her minor daughter namely, Miss Nayanmoni Mili disappeared from home on 27.04.2021 and after enquiry found that one Jamin Megu hailing from Borgorah, Chapakhowa under District Tinsukia has kidnapped Miss Nayanmoni Mili.

2. On receipt of the ejahar, the Officer-in-Charge of Sadiya P.S. registered a case as Sadiya P.S. Case No.72/2021 U/S 366A of the Indian Penal Code against the accused person Sri Jamin Megu 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. After appearance of the accused person, the case was committed to the Hon'ble Sessions Judge, Tinsukia by the learned Sub-Divisional Judicial Magistrate (M), Sadiya, Chapakhowa vide Order dated 11.11.2021 in G.R. Case No.131/2021 (P.R.C. No.169/2021). The Hon'ble Sessions Judge, Tinsukia after receipt of the case record from the learned Sub-Divisional Judicial Magistrate (M), Sadiya, Chapakhowa transferred this case to this Court for trial.

4. The accused was produced from Judicial custody on 07.12.2021 and he was allowed to go on bail of



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Rs.15,000/- with a local surety of like amount on the same day.

5. The prosecution has examined two witnesses. The accused was examined U/S 313 of Code of Criminal Procedure on 04.01.2022 where he has denied allegations and declined to adduce evidence.

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

7. **POINT FOR DETERMINATION:-**

Whether on 27.04.2021, the accused kidnapped or abducted the victim girl namely, Miss Nayanmoni Mili 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.2 is the victim in this case and she has deposed in her evidence that the incident took place in the month of April, 2021 and that she was 18 years old at the time of incident. She has deposed that she was having a love affair with the accused and hence she eloped with the



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TINAHATA

accused and later on, married the accused and now are living as husband and wife. She has further deposed that as her mother could not trace her, after she left home, out of a misunderstanding her mother lodged a complaint in the Sadiya Police Station. She has also deposed that her statement U/S 164 of Code of Criminal Procedure was recorded and has proved Ext.2 as her statement and Ext.2(1) and Ext.2(2) as her signatures.

(ii) P.W.1 is the mother of the victim who is the informant in this case and has also deposed in the same tune as that of the victim. She has proved Ext.1 as the Ejahar and Ext. 1(2) as her signature. She has deposed that after 10 days of the date of incident, police recovered her daughter and handed her over to her and on being asked, her daughter (victim) admitted that she willingly eloped with the accused as she was having a love affair with the accused. P.W.1 has also admitted that the victim and the accused have married each other and are living together as husband and wife and that she has no objection, if the accused is acquitted.

(iii) The prosecution did not adduce further evidence other than P.W.1 and P.W.2 and from a bare reading of their testimonies, it is evident that though Ejahar was lodged alleging the accused of abducting the victim, the victim (P.W.2) in her evidence admitted that she has eloped with the accused on her own. P.W.2 did not




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allege the accused of applying any force or that the accused seduced her to illicit intercourse with him or any other person. It is evidence from the testimonies that the victim (PW1) and the accused loved each other and therefore they eloped and married each other. The informant P.W.1 has also testified that the accused and the victim have married each other and has raised no objection to their marriage, rather stated that she has no objection, if the accused is acquitted.

(iv) Since the two basic ingredients of applying force or seducement upon the victim to illicit intercourse is absent in this case, and the accused had the intention and knowledge to marry the victim, for which the victim and the accused both willingly eloped, in my opinion, the prosecution side has failed to prove the charge U/s.366A IPC against the accused beyond all reasonable doubt and therefore the point is decided in the negative.

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 of Indian Penal Code against the accused beyond all reasonable doubt and hence, the accused is acquitted. The accused is set at liberty forthwith and his bail bond is extended to another six months.



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 TINSUKIA

11. The Judgment is pronounced and delivered in the open Court, written in separate sheets of paper and tagged with the case record on this 9th of May, 2022 in Tinsukia under my hand and the seal of this Court.



L.D.
09/05/22

(Leena Doley, AJS)
Assistant Sessions Judge
Tinsukia

Asst. Sessions Judge
TINSUKIA

Dictated and corrected by me:-

L.D.
09/05/22

(Leena Doley, AJS)
Assistant Sessions Judge
Tinsukia

Asst. Sessions Judge
TINSUKIA

Annexure**Witnesses:**

PW-1 : Smt. Juranti Mili

PW-2 : Miss Nayanmoni Mili

Exhibits:

Ext.1 : Ejahar

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



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Assistant Sessions Judge,
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