

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

MORIGAON::::::::::ASSAM.

GR Case No. 2587 of 2017

U/S 363 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: SRI ABHIJIT BORO

Present : Smti. S. Acharyya, AJS,
Addl. Chief Judicial Magistrate,
Morigaon.

APPEARANCE:

For the State : Mr. P. Hazarika, Learned Addl. Public Prosecutor.
For the accused person : Mr. J. Ch. Bhuyan, Ld. Advocate.
Charge framed on : 21.09.2019
Evidence recorded on : 16.11.2019 & 29.11.2019
Argument heard on : 29.11.2019.
Judgment delivered on : 29.11.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Sri Bijoy Bormohela lodged an ejahar stating inter alia that on 05.10.2017, at about 1.00 AM, the accused persons Abhijit Boro and Bulu Brahma kidnapped his niece Smti. Minakshi Hajuary, aged about 12 years. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Laharighat P.S. Case No. 303/2017 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused person Sri Abhijit Boro under section 363 IPC.

4. On appearance of the accused person, he was allowed to go on

Contd....

bail. Relevant documents of the case were furnished to him. Upon perusal of materials on record and after hearing both sides, charge under section 363 IPC has been framed, read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

5. The examination under section 313 Cr.P.C. of the accused person is dispensed with as found not necessary.

6. I have heard the argument advanced by the learned counsels for both sides.

7. Upon hearing and on perusal of the record I have framed the following point for determination:

- (i) Whether the accused person, on 05.10.2017, at about 1.00 AM, at No.2 Borbori under PS Laharighat and Dist.-Morigaon, kidnapped Smti. Minakhi Hajuary, who is a minor from the lawful guardianship of her parents and thereby committed an offense punishable U/S 363 of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

8. PW1 Smti. Fuleswary Hajuary, who is the sister of the informant and mother of the victim, PW2 Sri Bijoy Bormohela, who is the informant and PW3 Smti. Minakshi Hajuary, who is the victim inter alia deposed that informant filed the case out of misunderstanding and presently they have no allegation against the accused person and they have no objection, if the accused person is acquitted. PW2 exhibited the ejahar as Ext.1 and his signature as Ext.1(1).

9. I have carefully gone through the evidence on record. From the evidences it appears that PW1, who is the sister of the informant and mother of the victim, PW2, who is the informant and PW3, who is the victim have not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused person.

10. In view of above discussion, the accused Sri Abhijit Boro is acquitted of charge U/S 363 of IPC and set at liberty forthwith.

11. Bail bond shall remain in force for next six months.

12. The case is disposed of on contest.

13. Given under my hand and seal, today, the 29th day of November, 2019.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

Dictation taken and
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Smti. Fuleswary Hajuary.

PW2- Sri Bijoy Bormohela

PW3- Smti. Minakshi Hajuary

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

Dictation taken and
transcribed be me.

Computer Typist.