

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL.MAGISTRATE,

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

PRC Case No. 883 of 2019

U/S 344/385/506/34 of IPC.

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: (I) SRI ASWAJIT BARMAN

(II) SMTI. ANITA BARMAN

(III) SMTI. MAMPI BARMAN

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

APPEARANCE:

For the State : Mr. P. Hazarika, Ld. Addl. Public Prosecutor.

For the accused person : Mr. P. R. Mazumdar, Learned Advocate.

Charge framed on : 14.11.2019

Evidence recorded on : 19.11.2019.

Argument heard on : 19.11.2019.

Judgment delivered on : 19.11.2019.

J U D G M E N T

1. The prosecution case in brief is that the informant Smti. Sabitri Das lodged an ejahar stating inter alia that she had love affair with Aswajit Barman since 1½ year and he promised to marry her. That on 17.1.2019, at about 10.00 PM Aswajit Barman and Anita Barman took her to their house with promise to organize her marriage. That for about 5/6 days, accused Aswajit raped her and other two accused persons tortured her physically and mentally. That accused Aswajit demanded Rs. 1,00,000/- from her and threatened her. That on 5.2.2019, she left their house. Hence the case.

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- 2.** On receipt of the 'ejahar' at the police station, the same was registered as Jagiroad P.S. Case No. 73/2019 and the matter was investigated upon.
- 3.** After completion of investigation police filed a charge-sheet against the accused persons (i) Sri Aswajit Barman, (ii) Smti. Anita Barman and (iii) Smti. Mampi Barman under section 406/344/385/506/34 /IPC.
- 4.** On appearance of the accused persons, they were allowed to go on bail. Relevant documents of the case were furnished to them. Upon perusal of materials on record and after hearing both sides, charge under section 344/385/506/34 IPC has been framed, read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.
- 5.** The prosecution in support of its case examined one witness. Whereas, the defence side has not examined any witness in support of its defence.
- 6.** The examination under section 313 Cr.P.C. of the accused person is dispensed with as found not necessary.
- 7.** I have heard the argument advanced by the learned counsels for both sides.
- 8.** Upon hearing and on perusal of the record I have framed the following point for determination:
 - (i) Whether the accused persons, since 17.1.2019, at Simalutola under Jagiroad PS and Dist.-Morigaon in furtherance of common intention wrongfully confined Sabitri Das for 10 days and thereby committed an offense punishable U/S 344/34 of IPC?
 - (ii) Whether the accused persons, on the same period and place in furtherance of common intention, put Sabitri Das in fear of injury in order to commit extortion and thereby committed an offense punishable U/S 385/34 of IPC?
 - (iii) Whether the accused persons, on the same period and place in furtherance of common intention criminally intimidated Sabitri Das and thereby committed an offense punishable U/S 506/34 of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. For the convenience of discussion and for the sake of brevity, I am discussing all the points together.

10. PW1 Smti. Sabitri Das, who is the informant-cum-victim inter alia deposed that she instituted this case out of misunderstanding and presently she has no allegation against the accused persons and she has no objection, if the accused persons are acquitted. She exhibited the ejahar as Ext.1 and her signatures as Ext.1(1).

11. I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the informant cum victim has not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused persons.

12. In view of above discussion, the accused persons (i) Sri Aswajit Barman, (ii) Smti. Anita Barman and (iii) Smti. Mampi Barman are acquitted of charge U/S 344/385/506/34 of IPC and set at liberty forthwith.

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

14. The case is disposed of on contest.

15. Given under my hand and seal, today, the 19th day of November, 2019.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

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Addl Chief Judicial Magistrate
Morigaon.

Dictation taken and
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Smti. Sabitri Das

Prosecution exhibits:

Ext.1- Ejahar

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

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Addl Chief Judicial Magistrate
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