Spl (P) Case No.17/14

01/07/19

Accused Jayanta Baishya appeared before the court with a bail ptn v n and prays for bail citing that after filing of the case during investigation his parents and victim's parents arranged his marriage before the Sub Registrar Belsor and they informed this fact to I/O but I/O showing him as absconder submitted charge sheet. He further stated in his petition that on 29/08/18, he consulted with one advocate namely Mr Diganta Talukdar and Digant Talukdar instructed one person presumed to be a petition writer to take his signature on two papers and after taking his signature he told him he had no business to come as he got married with the victim and therefore he did not come to court and he did not made any default in appearance but due to misunderstanding he made default.

Also seen another petition filed by Prafulla Baishya stating that he is the informant of the case and he lodged case against Jayanta Baishya. After lodging the case, the victim was married with accused before the Sub Registrar by executing a registered marriage deed. He was present at the time of marriage and his wife Arati Baishya is also present.

With regard to the petition no.1036/19 the identification of this Prafulla Baishya as Prafulla Baishya of the ejahar dated 24/03/14 not established. Further in the ejahar Prafulla Baishya stated his daughter is minor and giving marriage of a minor is an offence under the Child Marriage Prohibition Act. As such this petition does not have any merit and is dismissed.

Seen the report submitted by O/C, Mukalmua PS. As per report, the NBWA received by the O/C, Mukalmua PS dated 12/12/18 and 03/01/19 endorsed to ASI Raju Deb and ASI Raju Deb made effort to execute the warrant but found no trace of accused and warrant returned. However the warrant with report not reached the court.

I have perused the record and statement of the

accused Jayanta Baishya clearly pointed that he had received summon from the court prior to 29/08/18. The statement made by the accused that it was counsel Diganta Talukdar after taking his signature on two papers asked him to leave the court premises is not acceptable.

The report of the O/C Mukalmua PS shown that accused is avoiding. Accused really came to court on 29/08/18, he could have appeared before the court on that day. The ground taken by him is not acceptable one and prayer of the accused to go on previous bail is rejected.

Accordingly accused is taken into custody, remanded to jail hajot till 15/07/19.

Fix 15/07/19 for production & copy.

Special Judge Nalbari