IN THE COURT OF SESSIONS JUDGE DARRANG, MANGALDAI.

Spl(POCSO) No.8 of 2019 (U/S:366(A) of I.P.C. read with Sesions 4 of POCSO Act)

State
-VersusMd. Safiqul Islam
S/O Md. Sahid Ali
Village- Duliapara
P.S- Dalgaon,
Dist-Darrang(Assam)

-- Accused.

PRESENT: Sri P.K.Bora,A.J.S., Sessions Judge. Darrang,Mangaldai.

APPERANCE:

Learned advocate for the Prosecution: Mr. Premeswar Sarma.

AND

Learned advocate for the accused :Mr. Fazlul Hoque

Evidence recorded on :26/02/19

Argument heard on :26/02/2019

Judgment delivered on :26/02/2019

JUDGMENT:

- 1. The prosecution case in brief is that on 09/05/2017 the I/C of Daipam Outpost under Dalgaon Police Station received an FIR filed by one Abdul Samad to the effect that on 04/05/2017 the accused Md. Safiqul Islam, Md. Mahammad Ali, Md. Hajarat Ali and Md. Sheikh Farid elured her daughter to the house of the accused persons. The intention of the accused Safiqul Islam was to hold a marriage with the daughter of the informant. That on 07/05/2017 when he charged the accused persons for the wrong committed by the accused, he was chased after for an attack.
- Having received the ejahar, Police registered a case, got the statement of the victim Samina Khatun recorded and also got the medical examination of Samina Khatun done by the Doctor of Kharupetia PHC and finally submitted charge sheet against the accused Safiqul Islam U/S 366(A) I.P.C.
- 3. The learned committing Magistrate committed the case to this court for trial. On appearance of the accused, the written charge U/S 366(A) I.P.C. was explained and read over to the accused to which the accused pleaded not guilty and claimed to be tried.

4. Point for determination:

(i) Whether on the date of the incident the accused kidnapped Samina Khatun for the purpose of marriage or for the purpose of intercourse by some other persons?

REASONS AND DECISION THEREON

- 5. In the course of trial, the prosecution examined the informant Abdul Samad as PW1 and Samina Khatun as PW2.
- 6. From the evidence of PW1 and PW2, it has come that at that time the victim(PW2) Samina Khatun was 18 years and she left her parental home and reached the house of the accused Safigul Islam. She wanted to get married with the said accused. PW1 Abdul Samad was against of it. So,

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he filed a case against the accused. It has also come that later marriage

was solemnized between PW2 and the accused. Both of them are now

leading a conjugal life as husband and wife. Thus, no case against the

accused for the offence U/S 366(A) IPC read with Section 4 of POCSO Act

is made out.

7. Considering the above, the accused Safigul Islam is acquitted and set at

liberty forthwith.

8. However, the bail bond of the accused shall remain in force for 6(six)

months U/S 437(A) Cr.P.C.

9. Given under my hand and seal of this Court this 26th day of

February, 2019.

(P.K.Bora) Sessions Judge, Darrang,Mangaldai.

Dictated and corrected by me.

Sessions Judge, Darrang, Mangaldai.

APPENDIX:

A)Prosecution witnesses:

i)PW1 Abdul Samad

ii)PW2 Samina Khatun

B)Defence witness Nil

C)Exhibit: Nil.

Sessions Judge, Darrang, Mangaldai.