

APPENDIX

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, BAKSA, MUSHALPUR Present : Smti. Dimple Boro, CJM. Date of Judgment: 26-12-2022 Case No. : PRC-239/21 Tamulpur PS Case No. : 574/20 U/s : 365 IPC	
Complainant	State of Assam
Represented by	Mr. Ranjit Basumatary , APP.
Accused	1. Sahar Ali, S/o: Ainul Haque, Vill: Hatipara, PS: Rupohi, Dist.: Nagaon. (A-1)
Represented by	Adv. Dwimu Narzary
Date of Offence	09-11-2020
Date of FIR	09-11-2020
Date of Charge Sheet	31-01-2021
Date of Framing of Charge	15-12-2022
Date of commencement of evidence	26-12-2022
Date on which judgment is reserved	NA
Date of Judgment	26-12-2022
Date of the Sentencing Order, if any	NA

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release On Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Sec. 428 Cr.PC.
A-1	Sahar Ali	10-11-2020	16-12-2020	U/S-365 IPC	Acquitted	NA	36 days

APPENDIX**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Kasem Ali	Informant
PW2	Sukur Ali	Victim

B. Defence Witnesses, if any : NIL.

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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C. Court Witnesses, if any : NIL.

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution: NIL.**

Sr. No.	Exhibit Number	Description
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B. Defence: NIL.

Sr. No.	Exhibit Number	Description
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C. Court Exhibits: NIL.

Sr. No.	Exhibit Number	Description
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D. Material Objects: NIL.

Sr. No.	Exhibit Number	Description
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J U D G M E N T

1. The prosecution story in brief is that on 09-11-2020 informant Kasem Ali lodged an FIR before OC, Tamulpur PS to the effect that on the same day while son of the informant Sukur Ali, age 10 yrs was playing in front of his house, the accused, kidnapped him. The informant searched his son the whole day and in the evening at about 5 pm, the accused telephoned him and demanded Rs. 2 Lakh as ransom and threatened to kill Sukur Ali in case of non-payment of the ransom amount.
2. Tamulpur PS Case No. 574/20, u/s 365 IPC was registered against the accused person Sahar Ali U/s 365 IPC and investigated into. After completion of investigation, charge-sheet was submitted against accused Sahar Ali u/s 365 IPC.
3. Charge U/s 365 IPC was framed against the accused and contents of the charge under the same section was read over and explained to the accused person to which the accused person has pleaded not guilty and claimed to be tried.
4. The prosecution examined 2 (two) witnesses and defence examined none.
5. The accused person is examined u/s 313 Cr.P.C. The accused person has declined to adduce evidence.
6. I have heard argument of the learned A.P.P. as well as the learned defence counsel and perused all the relevant documents available on record.

7. POINTS FOR DETERMINATION:-

1. Whether the accused person had kidnapped Sukur Ali with intent to confine him secretly and wrongfully?

8. DISCUSSION, REASONS AND DECISION:**9. POINT NO. 1:**

10. The prosecution had examined the informant as PW1 and the Victim as PW2. But they have said nothing against the accused person. Under such circumstance, the ingredients u/s 365 IPC is not established.
11. From the above discussions, I find that it is not proved that the accused person had kidnapped Sukur Ali with intent to confine him secretly and wrongfully. So, the accused person cannot be held guilty u/s 365 IPC.
12. From the above discussions, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt U/s 365 IPC. So, I acquit accused Sahar Ali of the charges U/s 365 IPC and is set at liberty.
13. Given under my hand and seal of this Court this 26th day of December, 2022.

Typed by me—

D. Boro
CJM, Baksa

D. Boro
CJM, Baksa