

Sessions Case No. 01/20

08.03.2022;

Accused Phanindra Chandra Rabha is present.

Today PW-1 Smt. Deepali Barman who is the alleged victim and PW-2 Shri Umananda Barman (complainant) are examined. Their cross-examination is declined.

By this order the instant sessions case is being disposed of in exercise of power u/s 232 Cr.PC.

The accused was charged u/s 366-A IPC.

The case of the prosecution unfolded in the FIR lodged by PW-2 is that his daughter PW-1 (17 years) became missing from his house at about 3.30 pm of 19.05.2016. During search, it came to his knowledge that accused Phanindra Rabha, vill- Ujanpara under Abhyapuri P.S, Dist.-Bongaigaon eloped away her to his house. This fact was communicated to him by his daughter PW-1.

After investigation of the case, police submitted charge-sheet against the accused. Upon commitment of the case, the instant sessions case was registered. Considering the materials on case diary and upon hearing Ld. Advocates of both sides, charge u/s 366-A IPC was framed against accused Phanindra Chandra Rabha.

He denied the charge and claimed to be tried.

PW-1 has testified that she developed love affairs with accused through telephonic conversation. This fact was unknown to her parents and family members. Therefore, due to love affairs and emotion, she voluntarily eloped with him behind the knowledge of her parents. So, her father PW-2 filed the case. After more than about 6 months her marriage with the accused was solemnized socially and as per Hindu rites. Now, she is leading conjugal life with her accused husband and as a result of their wedlock, a boy child aged 1 and ½ years was born. She has confirmed that Exbt. P1(PW1) is her statement u/s 164 Cr.PC.

PW-2 has deposed that he lodged Exbt.P2(PW2) FIR after her daughter had eloped with the accused who is now his son-in-law. Police recovered her daughter after the case was registered. Now, they are leading conjugal life and have been blessed with a boy child. He has confirmed that Exbt.P2(PW2) is the ejehar.

After perusing the record, it appears that PW-1 was above 17 years and below 18 years. She has not stated that the accused induced/force her to go with him. Rather it is found that out of love affairs, she voluntarily eloped with him. Subsequently, they also got married as per social customs and Hindu rites. Therefore, I find that accused is not guilty of the offence u/s 366-A IPC.

So, he is acquitted. The bail bond shall remain in force for another six months in the spirit of Section 437-A Cr.PC.

The sessions case stands disposed of.

Sessions Judge,
Baksa, Mushalpur