

**Present:**

**Sri S. K. Kabra  
Addl. Sessions Judge (F.T.C.)  
Dibrugarh**

**Sessions Case No.36 of 2022**

**ORDER**

**06.04.2022:**

Learned Addl. P. P. Smti. M. Bordoloi for the State is present.  
Smti. S. Anjum, learned counsel for the accused along with  
accused Sri Sharukh Sekh are present.

Arguments on the point of charge was heard.

Charge sheet has been laid under section 366/342 of IPC.

Learned counsel for the accused argued that no case is made  
out against the accused person and thus accused is entitled to  
discharge. On the other hand learned Addl. PP vehemently argued that  
there are sufficient materials against the accused person to frame  
charges under Section 366/342 of IPC.

I have perused the entire record and also heard both the  
parties.

I have gone through the ejahar lodged by the husband of the  
victim alleging that the accused had forcibly taken away his wife. I  
have also perused the statement of the witnesses recorded by the I.O.  
and other material on record. I have also perused the statement of the  
victim recorded under section 164 of CrPC, wherein she has  
categorically stated that she had eloped with the accused of her own  
free will. Record reveals that the victim was a major at the time of  
incidence. Accordingly, no case is made out against the accused under  
section 366 of IPC. However, it appears that there are sufficient  
materials to proceed against the accused under section 498 of IPC.

Since, section 498 of IPC is not exclusively triable by the Court  
of Session, I deem it fit to transfer the case for trial to the Court of

SR Case No. 5019/2019  
Case dismissed  
demanded back  
9/6/22  
07/04/2022


learned C.J.M. Dibrugarh, who may entrust any J.M.F.C. for trial of the present case.

Accused Sri Sharukh Sekh is directed to appear before the Court of learned C.J.M, Dibrugarh on **28.04.2022** for further proceedings.

The present case stands transferred to the Court of learned C.J.M., Dibrugarh.

A petition bearing No.443 of 2022 is filed on behalf of the accused stating that the bailor is unable to appear before the Court today due to his ill-health. In view of the said fact, the accused is allowed to remain on previous bail till next date of hearing. Accused is directed to produce the bailor before the Court below, on the next date of hearing.

Case record be sent to the Court of learned C.J.M. Dibrugarh for disposal. **Office to take steps.**

  
Addl. Sessions Judge (F.T.C.)  
Dibrugarh