

THE HIGH COURT OF TRIPURA
AGARTALA

Crl. Rev. P. No. 82 of 2007

Accused-Petitioners :

1. Sri Raj Kumar Debbarma,

S/o. Sri Nagendra Debbarma.

2. Sri Nagendra Debbarma,

S/o. Sri Ramesh Chandra Debbarma.

3. Smt. Biswalaxmi Debbarma,

W/o. Nagendra Debbarma.

All are resident of Old Kalibari lane krishnanagar,
P.S. West Agartala, District-West Tripura.

4. Sri Tapan Debbarma,

S/o. Sri Nagendra Debbarma of Jirania, P.S-
Jirania, District- West Tripural.

By Advocate :

Mr. B. Deb, Adv.

Respondent :

The State of Tripura,

Represented by the Secretary, Home
Department, Government of Tripura,
Agartala, Tripura.

By Advocate :

Mr. R.C. Debnath, Addl. P.P.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **17th March, 2015.**

Whether fit for reporting :

Yes	No
	✓

J U D G M E N T & O R D E R(oral)

This petition by the accused has been filed against the orders
framing of charges against them.

[2] The complaint filed by the complainant victim (name withheld) is that she knew the accused Raj Kumar Debbarma and it appears that they were in love with each other. According to the allegation made in the FIR the complainant (name with held) and the accused were in love with each other. In the morning of Paush Sankranti of 2005 both the persons had met and visited a park. At about 8.p.m. the accused had given something to the victim to eat and thereafter he took her to a paddy field and raped her against her will. The complaint was filed after seven months when the victim was pregnant. According to her she had requested the accused many times to marry her and had even raised such an issue with his family members. Initially the accused and the family members had promised that the accused would marry the victim but later he did not do so. Statement of the victim was also recorded under Section 164 Cr. P. C and that is similar in nature. It is a little more detailed and in this statement she has stated that she had a romantic affair with the accused. In the statement recorded under Section 164 Cr. P.C it is also stated that the victim along with her brothers and brothers-in-law had gone to the house of the accused taking the proposal of marriage but the mother of the accused had declined this offer. Thereafter the matter was raised with the Nari Samity. Many meetings were held. At one such meeting it was also agreed that the accused would marry the victim but he did not do so and therefore, she had to come to the police.

[3] As far as the main accused Raj Kumar Debbarma is concerned, I feel that there is no ground whatsoever to quash the charge. Whether the allegations made in the complaint by the victim are true or not is for the trial Court to decide on the basis of the evidence led before it. However, the

material which is on record is sufficient to frame a charge against the accused, Raj Kumar Debbarma.

[4] Coming to the framing of charges against the other accused, I am of the opinion that there is no evidence worth the name against them. The other accused are parents and brother of the main accused. The allegation against them is that they in furtherance of a common intention committed criminal intimidation by threatening the victim and her family members and also abstained from not arranging the marriage of the accused with the victim. Admittedly, the victim had a love affair with the accused. I do not see any reason why it is the responsibility of the family members of the accused to get him married to the victim. The accused is not a minor.

[5] As far as the allegation regarding criminal intimidation are concerned in the charge there is no specific allegation or time when such offence was committed. From the evidence on record I do not find any shred of evidence to show that these three accused ever intimidated the victim or her family members. Therefore, the charges framed against them are quashed.

[6] In view of the above discussion, the criminal revision petition is partly allowed and the charges framed by the learned Additional Sessions Judge against accused Nagendra Debbarma, Biswalaxmi Debbarma and Tapan Debbarma under Sections 417, 506 read with Section 34 IPC are quashed and set aside. However, the charge against Sri Raj Kumar Debbarma shall stand and he shall have to face trial in respect of his charge.

[7] In view of the fact that a Fast Track Court has been established to deal with the offences against women, the case is transferred to the Additional District and Sessions Judge, Court No.5 (Fast Track Court). The accused Raj Kumar Debbarma is directed to appear before the said Court on 9th April, 2015. The learned Fast Track Court keeping in view the fact that the case is an old one is directed to fix the case for evidence of the prosecution in the month of May, 2015 and shall ensure that the trial is completed latest by 31st July, 2015. It is made clear if Raj Kumar Debbarma does not appear on 9th April, 2015 or tries to delay the proceedings in any manner then the bail granted to him shall stand cancelled and the learned Court below shall cancel his bail and Raj Kumar Debbarma shall have to apply to this Court for grant of a bail in case his bail is cancelled.

[8] Petition is disposed of in the aforesaid terms.
Send down the LCRs forthwith.

CHIEF JUSTICE