IN THE COURT OF THE SESSIONS JUDGE SONITPUR:: TEZPUR SPL. (POCSO) CASE NO. 18 of 2017

Under section 6 of POCSO Act and 294/506 of IPC. (Arising out of G. R Case No.1436/2017)

State of Assam

Vs

(1)Sri Pandav Das (2)Sri Nirai Das

..... Accused persons

Present : Smti. I. Barman, AJS Sessions Judge, Sonitpur, Tezpur.

For the State : Mr. M.C. Baruah, Special Public Prosecutor.

For the accused : Mr. H.P. Sedai, Advocate, Tezpur

Date of Argument : 03-09-2019 &17-09-2019

Date of Judgment : 30-09-2019

<u>JUDGMENT</u>

1. The prosecution case against accused Pandav Das and Nirai Das, as projected may, in brief be described thus :

On 15-04-2017 at around 4 p.m. accused Pandav Das luring the informant's 4 years old daughter by offering chips (Ring) took her to the jungle at the backside of Labari ME school and indulged in an indecent act with the little girl and this indecent act of Pandav Das with the minor girl was witnessed by some children, who reported the same to the informant. Due to the incident the informant had undergone depression and thereafter on 21-04-2017 called a mel in the premises of Labari Hari Mandir but in the meeting accused Nirai Das, the elder brother of Pandav Das, scolded the villagers with filthy language and also threatened them for which no mel could take place, whereupon informant lodged the ejahar on 21-04-2017.

- **2.** Upon receipt of the FIR from the informant on 21-04-2017, the O/C Dhekiajuli PS registered a case being Dhekiajuli P.S. Case No. 322/2017 u/s 294/506 IPC r/w Section 4/6 of POCSO Act and entrusted Gokul Sonowal to initiate the investigation of the case. In course of investigation, he recorded the statements of the witnesses, sent the victim child for medical examination, got her statement u/s 164 Cr.P.C. recorded, arrested the accused and on completion of investigation having found materials submitted charge-sheet against the accused Pandav Das u/s 4 of POCSO Act and against accused Nirai Das u/s 294/506 of the IPC.
- **3.** On appearance of the accused person before this Court, after furnishing the copies of the documents u/s 207 of Cr.P.C. and after hearing both parties, my learned predecessor, framed charge u/s 6 of POCSO Act against the accused Pandav Das and u/s 294/506 IPC against accused Nirai Das and particulars of the charge on being read over and explained to the accused persons, they pleaded not guilty and demanded to stand for trial.
- **4.** To substantiate the charge, prosecution examined as many as 9 (nine) witnesses. In their statements recorded u/s 313 Cr.P.C, the accused persons denied all the allegations levelled against them and pleaded innocence. Accused declined to adduce any evidence.
- **5.** I have heard the arguments of the learned counsel of both sides and also have gone through the evidence on record.

6. The point to be determined in this case is as follows—

- (i) Whether accused Pandav Das, on 15-04-2017 at about 4 p.m. at village Labari behind Labari ME School, under Dhekiajuli PS, committed penetrative sexual assault on the child victim, aged 4 years, and thereby committed an offence punishable u/s 6 of POCSO Act?
- (ii) Whether accused Nirai Das on 21-04-2017 at the Namghar of village Labari, under Dhekiajuli PS, to the annoyance of the villagers, scolded them with obscene language in a meeting and thereby committed an offence punishable u/s 294 of IPC?

- (iii) Whether accused Nirai Das on the same date, time and place committed criminal intimidation by threatening the villagers with injury on their person and thereby committed an offence punishable u/s 506 of IPC?
- **7.** M. Baruah, the learned Special Public Prosecutor strenuously argued that the materials on record undoubtedly project a case of penetrative sexual assault on a minor girl of 4 years. He further submitted that the evidence of the child victim and other witnesses is enough to convict the accused persons.
- **8.** Controverting the said argument, Mr. Sedai, the learned counsel appearing for the accused, submitted that no explicit reliance can be placed upon the evidence of the minor victim who is a tutored one. Moreover, refusal of vaginal examination and delay of lodging the FIR made the prosecution case doubtful and as such the accused are entitled to benefit of doubt.
- 9. In this case, as per the FIR (Ext.4), the victim is 4 years old. PW 1 Jayanta Das mentioned the age of the victim as 4/5 years and according to Nikhil Das (PW 6), the victim was 5/6 years old at the relevant time. The victim herself mentioned her age as 4/5 years. The medical report also reflects that the victim was below 10 years. The age of the victim is not disputed in this case. The oral evidence coupled with the medical evidence, it is found that in any case, the victim is a child below the age of 12 years at the time of incident.
- **10.** We now deal with the issue whether the accused Pandav Das committed the offence of aggravated penetrative sexual assault on the victim girl. In this respect, it is considered proper to outline a sketch of the evidence on record.
- **11.** Let us first see what the victim, the star witness stated. PW-7 is the victim. She stated that on the day of incident her neighbour Pandu Kaka had fingered in her private parts when she was playing in field with others including one Pritam, as a result she felt pain there. Then she informed her parents.

During cross, she stated that prior to the incident, quarrel took place between accused Pandav Das and her father. She stated that the incident occurred in the afternoon where many children were playing and some persons were playing chess. Though she once stated that as tutored by her father, she gave statement before the Magistrate but again she stated that she was not tutored by her father and deposed in court as stated by her mother.

12. PW-1 Jayanta Das deposed that on 15-04-2017 at around 4 p.m. while he along with his friends were playing at Labari ME School, he had seen the accused Pandav Das taking the victim girl aged about 4/5 years on his bicycle to the field and then offering potato chips took the victim on his lap. He had also seen the accused spitting on his finger and then fingering the child's private parts. Seeing the incident, when they raised alarm, the accused left the place. On the very day he informed the matter to the father of the victim.

During cross, he stated that on the day of incident Puja was offered for Bengali New Year's day in his shop which continued till 1 p.m. and after Puja he himself and his maternal uncle entertained the customers with sweets till evening. He left the shop at 3 p.m. According to him, the field where the incident took place is not visible for his shop and he saw Pandav Das with the victim in front of the house of the informant situated near the field. He stated that on that day some aged men were playing chess and the victim was sitting near those persons. He further stated that he had seen the incident from a distance of about 12/13 ft.

13. PW 2 Hari Das deposed that on the day at about 4 p.m. when he along with his friends were playing at Labari ME school, Pandav Das took the victim to the corner of the field on his bicycle and offering chips (Ring) took the victim on his lap. Thereafter, accused spitting on his finger, inserted it into her private parts. Seeing the incident when they raised alarm, the accused went away leaving the victim there. Thereafter, they informed the matter to the father of the victim. During cross, he stated that he and PW 1 going to the house of the informant, reported him about the incident at around 5 p.m. According to him, in the field about 20/25 children were playing at the time of incident but no senior persons were present.

as father of the victim deposing as PW 3 stated that on 15-04-2017 at around 4/5 p.m., when he went to the field of Labari ME School, the children playing in the field told him that accused Pandav Das offering chips to his daughter took her to the jungle near the field and attempted to commit misdeed on her. He stated that PW-1 and PW-2 coming to this house reported to him that accused Pandav Das committed bad acts with his daughter after having offered her chips while some children were playing in the field. Regarding the incident, after 2 days, a mel was convened but in the mel accused Nirai Das scolded the public for holding such mel. He also stated that victim reported to him that accused Pandav Das by opening her pant fingered her private parts. He proved the FIR (Ext.4) filed after one week of the incident.

During cross-examination, he stated that he and accused Pandav Das were working under the same master and they had cordial relation. He admitted that accused Pandav Das used to play with the children and also used to offer potato chips to his children. He further stated that in the mel accused Nirai Das alleging that the mel was convened on false allegation, expressed his unwillingness to concede to the resolution. Then, the local people asked him to file the ejahar. He further stated that both the parties settled the matter at the village mel and it was reduced into writing and was submitted to the police station but actually he did not concede to the compromise. He denied the suggestion that on the day of incident, the day of 'halkhata', accused Pandav Das asked him to pay Rs.5,000/- on which quarrel took place.

- Medical Officer PW 4 Dr. Tutumoni Handique deposed that on 22-04-2016, she examined the victim, aged 4 years in connection with Dhekiajuli PS Case No.327/17 who gave history of sexual assault on 15-04-2016. On examination she found no injury and age of the child appears to be below 10 years but refused vaginal examination. She has proved the medical report as Ext.1, medical requisition as Ext.2, and X-ray report as Ext.3.
- **16.** PW-5 Pardip Talukdar deposed that on the relevant day at about 4 p.m. near a school field he heard hulla regarding allegation of attempting to commit rape on a victim aged about 5/6 years by accused Pandav Das. Regarding

the incident a mel was held in the village where he was also present and in the said mel accused Pandav Das confessed his guilt. During cross, he stated that on the relevant day hearing hulla he went to the field and saw 15/16 children playing there but he did not meet the victim in the field. According to him, after about 4/5 days of the incident, a meeting was held in presence of 30/40 persons after institution of this case but he could not say if any proceeding was maintained in the meeting. He admitted that before police he did not state that accused confessed his guilt at the meeting in his presence, as the meeting was held after recording his statement. He admitted that as accused Nirai Das rebuked the public at the meeting, his name was also mentioned in the FIR.

- 17. PW 6 Nikhil Das turned hostile. He deposed that on the day of the incident, at about 6 p.m., he heard that accused Pandav Das committed misdeed on the victim by taking her on his lap. For the said incident, a meeting was held. According to him, in the first meeting he was present but the accused was absent and in the next meeting he was not present where the accused was present. During cross-examination, he stated that he cannot say who were present in the second meeting.
- **18.** PW-8 Mr. K. Sharma, the then learned Judicial Magistrate recorded the statement of victim, four years old, in presence of her father. He proved the statement of the victim as Ext.5 and his order dated 24-04-2017 as Ext.6. During cross, he stated that Ext.5 is silent as to actual date and time of the incident.
- 19. PW-9 Gokul Sonowal, the Investigating Officer, deposed that he visited the place of occurrence, prepared the sketch map of the place of occurrence vide Ext.7, recorded the statements of the witnesses, sent the victim for medical examination, got the statement of victim u/s 164 CrPC recorded, arrested the accused and on completion of investigation, submitted charge-sheet against the accused Pandav Das u/s 4 of POCSO Act and accused Nirai Das u/s 294/506 IPC, vide Ext.8. He also proved the statement made before him by the hostile witness (PW6).

During cross-examination, he stated that he recorded the statement of the victim in presence of her mother and one woman police personal in a hotel situated near the Out Post, but has not mentioned the same in the case diary. He also stated that the informant did not produce any document regarding settling of the dispute in presence of villagers. He also denied about the production of any document by the informant that due to misunderstanding the case was field.

20. It is discussed above that the child victim is below the age of 12 years. Bearing in mind the above findings as regards the age of the victim, let me, now turn to the question of alleged offence of penetrative sexual assault on the child victim. While considering this as part of the matter, it is worth noticing that it is the testimony of the victim which has brought the allegation of fingering in her private part by the accused Pandav Das. The victim's (PW 7) evidence shows that she used to call the accused Pandav Das as "Pandu Kaka" who is her neighbour. According to her, on the day when she was in the field and was playing with others, accused had fingered in her private part, as a result she felt pain on that part. At that time PW 1aged about 17 years and PW 2 aged about 15 years, along with friends were playing in the field. PW 1 had seen the accused Pandav Das taking the victim on his bicycle and going towards the field and offering potato chips, took the victim on his lap and then he spitting on his finger, fingered her private parts. They having seen the incident raised alarm and then the accused ran away therefrom leaving behind the victim. Thereafter, on the very day he informed the matter to the father of the victim. Though defence confronted that this witness did not made the statement of spitting finger and fingering victim's private part before the investigating Officer but the evidence of the victim regarding the fingering in her private parts remains undemolished even in her cross-examination. PW 1 during cross-examination asserted that he had seen the incident from a distance of 12/13 ft and during that time some children were playing near the place of occurrence. Another material witness PW 2 Hari Das who was playing at that time in the field, also had seen the accused Pandav Das taking the victim on his bicycle to the corner of the field and offering chips. Then he had seen the accused Pandav Das taking the victim on his lap and spitting his fingers and then fingering in the victim's private parts. Seeing the incident, when they raised alarm, accused Pandav Das went away by leaving the victim there. The evidence of PW 1 and PW 2 that they had seen the evidence and informed the matter to the father of the victim also remained unshaken. PW

3, the father of the victim also categorically stated that on 15-04-2017, at around 4/5 p.m., when he went to the field of Labari ME School, he had seen the children playing there and they had told him that accused Pandav Das offering chips, had taken his daughter to the jungle near the field and attempted to commit misdeed to her. He also corroborated that PW 1 and PW 2 had reported to him that accused Pandav Das committed bad acts with his daughter. In the same tune with the victim, this natural witness also stated that the victim reported to him that the accused Pandav Das by opening her pant fingered in her private parts. The victim's father and accused Pandav Das were working under the same master and they had visiting terms. PW 6 Nikhil Das is a hearsay witness and though he turned hostile yet he also stated that on the day of incident at around 6 p.m. he heard that accused Pandav Das had committed misdeed on the victim by taking her on his lap. During cross examination of victim's father (PW 3), it was brought on record by defence that accused Pandav Das who used to play with the children and often offered potato chips to children and showed affection towards his children, it is not believable that he would commit any indecent act with the informant's daughter. It is true that young children are very sweet and innocent and many adults do feel like showering their affection on them, for which they take them on their lap or hug them or even kiss them. But it is unheard of that anybody out of such love and affection towards a child would finger her private part. The only answer is that such a person must have fingered a child's private part for satisfying his sexual urges. The act committed by the accused is one of penetrative sexual assault.

21. The defence counsel urged that the victim is a tutored one. Settled law is that evidence of child witness is required to be considered with care and caution so that possibility of being tutored is ruled out, but cases involving sexual molestation and assault requires a different approach.

In Dattu Ramrao Sakhare Vs. State of Maharashtra (1997 (5)

SCC 341), Hon'ble Supreme Court held that: (i) A child witness if found competent to depose to the facts and reliable one, such evidence could be the basis of conviction. (ii) Even in the absence of oath the evidence of a child witness can be considered under section 118 of the Evidence Act provided that such

witness is able to understand the answers thereof. (iii) The evidence of a child witness and credibility thereof would depend upon the circumstances of each case. (iv) The only precaution which the Court should bear in mind while assessing the evidence of a child witness is that the witness must be a reliable one and his/her demeanour must be like any other competent witness and there is no likelihood of being tutored. (v) The decision on the question whether the child witness has sufficient intelligence primarily rests with the trial Judge who notices his manners, his apparent possession or lack of intelligence, and said Judge may resort to any examination which will tend to disclose his capacity and intelligence as well as his understanding of the obligation of an oath. (vi) This precaution is necessary because child witnesses are amenable to tutoring and often live in a world of make beliefs. (vii) Though child witnesses are pliable and liable to be influenced easily, shaped and moulded, but if after careful scrutiny of their evidence, the Court comes to the conclusion that there is an impress of truth in it, there is no obstacle in the way of accepting the evidence of a child witnesss.

- 22. In the case at hand, in cross-examination though once the victim stated that she gave statement before the Magistrate as tutored by father but again she clearly denied of being tutored by her father. The victim made the same version in court whatever she stated before the Magistrate u/s 164 Cr.P.C. and her evidence has been corroborated by PW 1, 2 and her father. Evidence of the victim is found spontaneous and trustworthy without inviting any suspicion of being tutored. I find nothing, which would lead to believe that the victim was tutored to embellish the version on material point.
- Another argument of the defence is that due to animosity the case was lodged falsely. In this respect, during cross examination of victim's father defence took the plea that on the day of the incident i.e. the day of "Halkhata' (the new year's day of Bengali Calender month), accused Pandav Das asked him for Rs. 5000/- and regarding that a quarrel took place between him and the accused and hence he filed a false case. Again, in examination u/s 313 Cr.P.C. accused Pandav Das took the plea that the informant had to pay him Rs. 5000/- and when he asked the informant to repay the money, he picked up quarrel and thereafter filed this false case. Defence examined none to prove the plea. It is

also not believable that for Rs. 5000/-, a father would set up his minor daughter of 4/5 years old to such an act such as fingering in private parts on her to vent his grudge. Except that plea which is not acceptable, there was no animosity between the parties. In fact, the victim called the accused as "Pandu kaka". Nothing on the record throws any light on any kind of animosity between the victim's family and the accused. There is no basis for the minor child to bring a charge of fingering in her private part against the accused person unless it was true. Again a father would not malign his daughter's name by exposing her as a victim of sexual assault, unless she was subjected to some sexual assault by someone. Similarly, a child would also not state with spontaneity of a man fingering her private part unless she underwent the assault, as a child of such tender age whose sexual characteristics have not yet fully developed would know about such an act as that of fingering of private part. The child being offended by the act of fingering of her private parts by the accused could remember and vividly narrate without faltering, what had actually happened with her. Further, on the very day, the victim also informed the matter to her parents. Therefore, I find nothing why should a girl depose falsely against the accused. To disbelieve her evidence would tantamount to adding insult to physical and mental injuries already inflicted on her. The evidence of the victim is convincing as it carries quality and adequate reliability. A clear and dispassionate scrutiny of the evidence of the victim shows that her evidence remains undoubted regarding fingering her private part by the accused and therefore her evidence cannot be brushed aside. I find nothing to discredit her evidence. The evidence on record discussed above, well establishes that the accused Pandav Das fingered the private part of the child below the age of 12 years.

In the case, it is a fact that vaginal examination of the victim girl was was refused by the parents of the victim as per record. The parents might have been apprehensive about the child's state of mind while letting her to be examined by the doctor or they might not have thought it necessary to get the child examined as it was a case of fingering of private part. The parents being common village men would not have understood the importance of getting their victim child examined medically after the incident. Be that what may, the absence of medical evidence cannot be a ground to disbelieve the otherwise creditworthy

evidence of the victim child who categorically stated about the offending act of accused Pandav Das fingering her private part.

25. Learned defence counsel also had raised the point that prosecution case would fail for the delay in lodging the FIR and placed reliance on the ruling reported in (2013) 3 SCC 791 (Rajesh Patel Vs. State of Jharkhand). As regards the delay in lodging the FIR is concerned, it is an admitted position that FIR is lodged after 6 days of the incident. The place of occurrence now must be visualized. It is in a village. It is a normal practice that village folk do not come out wide open about cases of sexual assault. In the instant case the victim is a girl of tender age. The victim's sex, age and the offence itself are factors which made the parent/informant father to convene a 'mel' and not to report about the incident to the police. From the evidence of PW 3, PW 5 and hostile witness PW 6, it is forthcoming that a 'mel' had taken place at the village. Though there are discrepancies as regards the extra - judicial confession of guilt by the accused Pandav Das at the 'mel' but the three witnesses testified that a 'mel' had in fact taken place in the matter of the allegation of accused Pandav Das committing misdeed on the victim child. Thus, the firm evidence of PW 3, PW 5 and PW 6 to the fact of holding a 'mel' in the disputed matter aforementioned lends support to the fact that the informant waited for the 'result' of the 'mel' and only when no solution could be attained, he approached the police. This delay cannot be said to be one made purposefully. The FIR reveals that knowing the incident, the victim's father depressed and thereafter he called a 'mel' on 21-04-2017 and thereafter lodged the FIR on the same day.

In this respect the Apex Court in the case of **Md. Ali Vs. State of Uttar Pradesh** reported in **(2015) 7 SCC 7 SCC 272**, had been held as follows:

"It is apt to mention here that in rape cases the delay in filing the FIR by the prosecutrix or by the parents in all circumstances is not of significance. The authorities of this Court have granted adequate protection/allowance in that aspect regard being had to the trauma suffered, the agony and anguish that creates the turbulence in the mind of the victim, to muster the courage to expose oneself in a conservative social milieu. Sometimes the fear of social sigma and on occasions the availability of medical treatment to gain normally and above all the psychological inner strength to undertake such a legal battle."

- 27. In the facts of this case as discussed above, I am of the considered view that in offence of this sort which involves reputation of a daughter of very tender age, sometime is often taken by guardians to step forward to lodge the FIR and this cannot be a ground to disbelieve them. In the present case, delay is well explained and such delay cannot defeat the prosecution case of committing the act of fingering of victim's private parts by accused Pandav Das and same is not fatal to the prosecution case.
- **28.** Now, let us see whether fingering in private parts of a child amounts to penetrative sexual assault.

Section 3 of the act defines penetrative sexual assault as follows:

- **"3. Penetrative sexual assault. -** A peson is said to comit 'penetrative sexual asault' if -
- (a) he penetrates his penis to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or
- (b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or
- (c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or
- (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person."
- **29.** From the evaluation of the prosecution material as discussed above, it is abundantly clear that the evidence brought on record proves beyond all

reasonable doubt that accused Pandav Das has fingered the private parts of the victim girl and it attracts the ingredients of penetrative sexual assault defined in section 3(b) of POCSO Act and the child being below the age of 12 years, it comes within the purview of section 5 (m) of POCSO Act for committing the offence of aggravated penetrative sexual assault punishable u/s 6 of the POCSO Act. Accused Pandav Das is held guilty for the offence punishable u/s 6 of POCSO Act and convicted him accordingly.

- **30.** Evidence is silent in respect of accused Nirai Das scolding the villagers in obscene language to the annoyance of the public in the meeting or he having criminally intimidated the public. There is no evidence as to what words accused Nirai Das used to rebuke the villagers or in what manner he threatened the public. In fact there is no firm evidence as to his presence at the village 'mel'. Hence the charge brought about by prosecution against accused Nirai Das u/s 294/506 of the IPC fails. Accordingly, accused Nirai Das is acquitted from the said charge and set him at liberty forthwith. His bail bond shall remain in force till next six months.
- **31.** I have heard the accused Pandav Das on the point of sentence. His statement is recorded where he stated that he is the only bread earner of his family consisting of his old mother, wife and one year old son and their lives would be ruined if he is sentenced to imprisonment, hence, prayed for taking a lenient view. On the other hand, the learned Special Public Prosecutor submitted that the crime being heinous, the accused should not be dealt with leniency.
- I gave my anxious consideration on the aspect of quantum of sentence. Section 6 of POCSO Act prescribes punishment for a term which shall not be less than 10 years but which may extend to life and shall also be liable to fine.
- **33.** In the instant case, the offence committed is penetrative sexual assault against a child of 5/6 years. The 5/6 years old girl was supposed to spend time in cheerfulness, with her dignity. The girl with afflux of time, would grow with memories of this painful experience. Being a girl of 5/6 years, no sexual character is developed on her. She understood nothing what the accused

was doing with her. The accused being a man of 33 years and father of child was expected to protect her from abuse but instead he himself abused her childhood. He committed a serious offence against a minor. Considering the submission of the accused, I am of the considered opinion that the minimum punishment provided by law for the offence u/s 6 of POCSO Act will meet the ends of justice.

- **34.** Considering all aspects, I sentence the convict Pandav Das to undergo Rigorous Imprisonment for 10 years and also to pay a fine of Rs. 5,000/- in default to undergo Simple Imprisonment for another 2 months for the offence punishable u/s 6 of POCSO Act.
- **35.** The period of detention already undergone by the accused shall be set off against the terms of imprisonment as per provision of section 428 of Cr.P.C. His bail bond stands cancelled and surety be discharged.
- **36.** Convict/accused convict Pandav Das be sent to Central Jail, Sonitpur, Tezpur to serve the sentence.
- **37.** Case is recommended for compensation of the victim as per provision of Section 357 A of Cr.P.C. by District Legal Services Authority, Sonitpur, Tezpur.
- **38.** Let a free copy of the Judgment be furnished to the convict.
- **39.** Also send a copy of the Judgment to the District Magistrate, Sonitpur, Tezpur as per provision of section 365 Cr.P.C. and a copy to the District Legal Services Authority, Sonitpur, Tezpur.
- **40.** Given under my Hand and Seal of this Court on this the **30th day of September, 2019.**

(I.Barman) Special Judge, Sonitpur,Tezpur.

Dictated and corrected by me.

(I.Barman) Special Judge, Sonitpur,Tezpur

APPENDIX

Prosecution witnesses.

PW 1 : Sri Jayanta Das,
 PW 2 : Sri Hari Das

3. PW 3 : father of the victim

4. PW 4 : Dr. Tutumoni Handique, M.O.

5. PW 5 : Sri Pradip Talukdar,

6. PW 6 : Sri Nikhil Das

7. PW 7 : Victim

8. PW 8 : Mr. K.Sharma,

9. PW 9 : Sri Gokul Sonowal, I.O.

Exhibits.

Ext. 1 : Medical report Ext. 2 : requisition

Ext. 3 : X-ray report.

Ext. 4 : FIR

Ext. 5 : Victim's statement u/s 164 Cr.P.C.

Ext. 6 : Order dated 24-04-2017

Ext. 7 : sketch map

Ext. 8 : Charge sheet.

Ext. 9 : Case diary of Dhekiajuli PS case No.322/17

Ext. 9(1) : statement of witness Nikhil Das u/s 161 Cr.P.C.

(I.Barman)
Special Judge,
SONITPUR: TEZPUR