IN THE COURT OF THE SPECIAL JUDGE AT JORHAT

Present:- Sri Vinod Kumar Chandak, M.A., M.Com, LL.B., AJS Special Judge, Jorhat

JUDGMENT IN SPECIAL CASE NO. 63 OF 2017 (G.R. Case No. 66 of 2017) Jengraimukh P.S. Case No. 21 of 2017

Committing Magistrate:-

Md. F.U. Choudhury, The then Sub-Divisional Judicial Magistrate [M], Majuli, Jorhat District

State of Assam

-Versus-

Md. Hassan Ali Mollah, Son of Late J. Ali Mollah, Resident of Bhalukmari, P.S. Lakhipur, District-Goalpara. State-Assam.

.... Accused

APPEARANCES:

For the State : Sri Muhidhar Dutta, Learned Special P.P., Jorhat. For the Accused: Sri Bambeswar Barua, Learned Counsel, Jorhat

CHARGE FRAMED UNDER SECTION 366 [A] OF INDIAN PENAL CODE READ WITH SECTION 4 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Date of Charge : 17-07-2017

Date of prosecution evidence: 10-08-2017; 06-09-2017; 20-09-2017;

31-10-2017; 21-11-2017 & 01-02-2018

Statement of Accused

Recorded on : 02-08-2018

Date of Argument : 04-10-2018 & 02-11-2018

Date of Conviction : 12-11-2018

Date of Sentence Hearing : 14-11-2018

JUDGMENT

1). The prosecution story, in brief, is that Jengraimukh P.S. Case No. 21/2017 under Section 366 [A] of IPC was registered on the basis of a F.I.R. lodged by Sri Anil Saikia, father of the victim girl [hereinafter to be referred as [X].

In the aforesaid **F.I.R.** dated 30/04/2017 **[Exhibit-2]**, the informant Sri Anil Saikia [PW-3] who is the father of the victim girl [X] alleged, *inter-alia*, that on 29/04/2017 at about 1.00 P.M. afternoon while his minor daughter was returning back home attending her school, at that time one unknown person kidnapped his minor daughter. Later on, he came to know that accused Md. Hassan Ali Mollah, who is a resident of Goalpara district, under Lakhipur P.S., had kidnapped his minor daughter, when she was returning back home from her school.

On receipt of the aforesaid F.I.R. by the then Officer-in-charge, Jengraimukh P.S., the same was registered as **Jengraimukh P.S. Case No. 21/2017 under Section 366 [A] of IPC**.

During the course of investigation, the victim girl was recovered from the possession of accused. The victim was sent for her medico-legal examination as well as to the court for recording her statement under Section 164 of Cr.P.C. Police on completion of investigation filed charge-sheet in the case against the above named accused Md. Hassan Ali Mollah u/S. 366 [A] of IPC vide Charge-sheet No. 18/2017 dated 26/06/2017.

- **2).** The then learned Sub-Divisional Judicial Magistrate [M], Majuli, District-Jorhat after furnishing copies of the relevant documents to the accused u/S. 207 of Cr.P.C., committed the case to this Court for trial.
- **3).** Upon consideration of the record of the case and the documents submitted therewith and after hearing the submissions of the accused and the prosecution in this behalf, I found ground for presuming that the accused has committed offences under Section 366 [A] of IPC read with Section 4 of The Protection of Children From Sexual Offences Act, 2012. Accordingly, charges

were framed, read over and explained to the accused, to which, the accused pleaded not guilty and claimed to be tried.

4). During the course of trial, **10 [ten]** numbers of witnesses including the victim, her parent, Medical Officer and the I.O. were examined on behalf of the prosecution to prove the charge u/S. 366 [A] of IPC read with Section 4 of The Protection of Children From Sexual Offences Act, 2012 against the accused.

On completion of prosecution evidence, statement of above named accused was recorded u/S. 313 of Cr.P.C. The accused stated that he has been falsely implicated in the case. It is his further submission that on the relevant day he did not kidnap the victim girl, as alleged. The accused pleaded innocence.

- **5).** I have heard Sri Muhidhar Dutta, learned Special Public Prosecutor for the State as well as Sri Bambeswar Barua, learned Defence Counsel for the accused.
- **6).** Now the points for determination before this Court are as follows:-
 - 1) Whether on or about 29/04/2017 at about 1.00 P.M. afternoon, the accused named-above induced the victim girl while she was returning back home from her school, to go with him or to do any act, or acts with the intent that she may be or knowing that it is likely that she will be forced [or seduced] to illicit intercourse with another person and thereby committed an offence punishable under Section 366 [A] of IPC?
 - 2) Whether on the date of occurrence the accused named above committed penetrative sexual assault upon the victim girl and thereby committed an offence punishable under Section 4 of The Protection of Children From Sexual Offences Act, 2012?

DISCUSSION, DECISIONS AND REASONS THEREOF:

7). First of all, let us see what the relevant provisions of law states to which accused has been charged in this case.

Section-366 [A] — Procuration of minor girl-Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Section-4 — Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

8). To decide the above points and sections of law, let us examine, analyze and appreciate the evidence of the witnesses along with the relevant documents.

[PW-1] is the victim of the instant case. This witness during her testimony divulged that on 29/04/2017 she came out of her house to attend her class in the school. At that time she was riding her bicycle. The accused followed her and threatened her that if she raises hue and cry the accused will assault and cut her. Thereafter, the accused took her towards Lakhimpur. It is her version that accused also took her towards Guwahati in a bus. When they got down from the bus, police caught both of them. She further stated that she was not in her sense when the accused took her alongwith him. She was medically examined by a doctor, produced before a Magistrate for recording her statement under Section 164 Cr.P.C. which she exhibited as Exhibit-1 and her signatures thereon as Exhibit-1 [1] to Exhibit-1 [4]. PW-1 also deposed that accused used to work in the house of his uncle by the name of Prasenjit Dey. She came to know the name of accused as H. Ali Mollah, only after police caught him.

During cross-examination by defence side, she stated that on the date of incident she alongwith the accused kept their bicycle near a tree and she does not know whether police had taken the cycles or not. She had love affair with the accused whose name was Pranjit Dey. She admitted that she did not try to jump

from the cycle or the bus while accused was taking her with him. She did not lodge any complaint to the passengers of the Magic vehicle as well as bus etc. She denied all the defence suggestions put to her during cross-examination.

9). Smt. Rumi Saikia [PW-2] who is the mother of victim of the case, in her evidence, stated that on the date of incident her daughter did not return back home after attending her class in the school. The friend of her victim daughter returned back home. On being asked the friend of her daughter divulged that her daughter was not present in the school. Thereafter, she informed the matter to her husband who, in turn, went to the school to enquire about the victim where he came to know that her daughter had gone with a boy. Then her husband lodged ejahar before police. Next day her daughter was recovered by police.

During cross-examination, she stated that on the date of incident she was informed by the friend of her daughter that her daughter did not go to the school on the relevant day. Her daughter went to school by cycle which was brought by them from the Chari-Ali. She admitted that she did not notice any injury over the body of her daughter. She denied defence suggestion that her daughter is seventeen years of age.

10). PW-3 is **Sri Anil Saikia** who is the father of victim-cum-informant of the case. He deposed alike as that of his ejahar. It is further stated by this witness that, on the next day morning, he received call from police of Guwahati. Police recovered his daughter alongwith the accused. He then went towards Guwahati and from there he brought his daughter to Jengraimukh P.S. It is further version of this witness that police seized the birth certificate of his daughter vide seizure-list [Exhibit-3] wherein Exhibit-3 [1] is his signature. He also exhibited the birth certificate in the court as Material Exhibit-1. His daughter was sent to the court for recording statement by the learned Magistrate under Section 164 Cr.P.C. Later on, the victim was handed over to him.

This witness during cross-examination stated that he lodged ejahar before police on the next day of incident. He did not notice any injury over the body of his daughter [PW-1]. It is his further version that he cannot say whether victim was in love with Prakhen Dey or the present accused.

Hence, the evidence of the father of victim that police seized the birth certificate of his daughter vide Exhibit-3 could not be shaken by cross-examination.

11). The evidence of **Sri Binod Saikia** [PW-4] who is the uncle of victim deposed that he knew accused by the name of Pranjit. On the date of incident his mother telephoned and informed him that victim was taken away by someone. Then he enquired at the bus stand and also informed police regarding missing of the victim [PW-1]. Police personnel arrived at Guwahati ISBT wherefrom the victim was recovered from the possession of accused. Both victim as well as accused were brought back to Jengraimukh P.S. It is further version of this witness that at the time of incident the accused was working as a mason in the house of his uncle named Sri Jogeswar Saikia.

During cross-examination, he stated that he does not know anything about the incident; that he knows the accused by the name of Pranjit and he cannot say as to whether accused Hassan Ali Mollah or Pranjit Dey took the victim with him on the relevant day. It is further version of this witness that he did not state before police that present accused took the victim alongwith him on the date of incident.

12). Sri Ramesh Kalita [PW-5] deposed that he was present when police seized the birth certificate of the victim girl vide Exhibit-3 wherein Exhibit-3 [2] is his signature.

This witness during cross-examination stated that he signed the seizure-list at the house of the victim girl. But he was not shown any document.

13). Sri Pradip Saikia [PW-6] who is mason by profession stated that the accused used to work as mason in the third house from his house. He does not know the victim girl of the instant case. On the date of incident, at about 4.00 P.M., he received information that victim girl went to the school but she did not return back home. Accordingly, he collected the phone number from his

nephew Utpal Saikia who told him the number of the super bus and the accused alongwith the victim were caught by police at Guwahati.

During cross-examination, this witness stated that he was told that one mason had kidnapped a girl but he did not witness the incident himself.

14). Evidence of **Dr. Meerajul Hazarika [PW-7]** is to the effect that on 03/05/2017 he examined the victim girl on police requisition. He advised for X-ray test upon the victim girl.

During cross-examination, the doctor stated that age of the patient was below 18 [eighteen] years approximately.

15). **Sri Hema Kanta Nath [PW-8]** who is the I.O. of the case deposed that on 30/04/2017 he was posted at Jengraimukh P.S. as Attached Officer. On that day the then Officer-in-charge, Jengraimukh P.S. received ejahar from the informant. Accordingly, a case was registered and he was entrusted with the charge of investigation. He visited the place of occurrence and drew Sketch Map of the place of occurrence with index vide Exhibit-5 wherein Exhibit-5 [1] is his signature. The I.O. further stated that he recorded statement of witnesses who were acquainted with the fact and circumstance of the case. He received information that victim girl had been traced out at ISBT, Guwahati alongwith the accused of this case. Accordingly, he went to Guwahati and brought both the victim as well as accused to Jengraimukh P.S. He recorded statement of the victim, sent her before a doctor for medico legal check-up and thereafter the victim was produced before the court for recording statement by the Magistrate under Section 164 Cr.P.C. On completion of investigation, he handed over the case diary to the O/C, Jengraimukh P.S. who, later on, submitted charge-sheet in the instant case vide Exhibit-6 wherein Exhibit-6 [1] is the signature of the then Officer-in-charge, Jengraimukh P.S., which he knows.

During cross-examination by defence side, the I.O. stated that when he recorded statement of the victim she told before him that she loved Pranjit Dey. Initially, the accused told his name as Pranjit Dey. However, victim did not utter the name of accused as Hassan Ali Mollah during her statement under Section 161 Cr.P.C. He did not seize the bicycles of victim as well as accused

before both of them left Majuli. Further, he did not seize any wearing apparel of the victim. He denied defence suggestion that victim gave her statement before the Magistrate as per his dictation.

16). Md. Iman Shah, Homeguard of Police [PW-9] divulged that on 30/04/2017 he was working at ISBT, Guwahati and was conducting search. On suspicion, he searched the accused alongwith one girl. Thereafter, he took both of them to the police station. On being asked, they found discrepancies in the names of accused as well as victim. So, they handed over both accused as well as victim to the ISBT Police O.P.

During cross-examination by defence side he stated that he caught the present accused on the date of incident whose name is Hassan Ali. He denied defence suggestion that he caught the accused on suspicion only.

- **17).** Same sort of evidence is tendered by Sri Ratan Das, Homeguard of Police [PW-10].
- **18).** Sri Bambeswar Barua, learned counsel for accused has strenuously submitted that the victim at the time of incident was above 18 years and considering the fact and circumstance of the case, the victim was a consenting party. Furthermore, the prosecution has failed to prove the charges, brought against the accused, beyond all reasonable doubt and as such, the accused is liable to be acquitted in the instant case.
- **19).** Controverting the said argument, advanced by the learned counsel for the accused, Sri Muhidhar Dutta, learned Special Judge, Jorhat, has submitted that the evidence, given by the victim herself and her parents clearly indicates that the victim, at the time of occurrence was only fourteen years and as such, the accused is liable to be convicted under Section 366-A IPC as well as under Section 4 of the POCSO Act, 2012.
- **20).** Having heard the learned counsel, appearing for both the parties, I have carefully perused the evidence on record, more particularly, the statement

of the victim [PW-1], who is the star witness of the instant case, that on 29/04/2017 she came out of her house to attend her class in the school. At that time she was riding her bicycle. The accused followed her and threatened her that if she raises hue and cry the accused will assault and cut her. Thereafter, the accused took her towards Lakhimpur. It is her version that accused also took her towards Guwahati in a bus. When they got down from the bus, police caught both of them. She further stated that she was not in her sense when the accused took her alongwith him. She was medically examined by a doctor, produced before a Magistrate for recording her statement under Section 164 Cr.P.C. which she exhibited as Exhibit-1 and her signatures thereon as Exhibit-1 [1] to Exhibit-1 [4]. She also deposed that she knew the accused by the name of Prasenjit Dey and she came to know his real name only when police caught him.

During cross-examination by defence side, she stated that on the date of incident she alongwith the accused kept their bicycle near a tree and she does not know whether police had taken the cycles or not. He had love affair with the accused whose name was Pranjit Dey. She admitted that she did not try to jump from the cycle or the bus while accused was taking her with him. She did not lodge any complaint to the passengers of the Magic vehicle as well as bus etc. She denied all the defence suggestions put to her during cross-examination.

- **21).** On perusal of the evidence of record it is seen that mother of the victim [PW-2] as well as father of victim-cum-informant [PW-3] have corroborated the version of their daughter, i.e., the victim [PW-1] in all material particulars.
- **22).** The accused during his statement under Section 313 Cr.P.C. remained completely silent as to the version of the victim [PW-1]. He disclosed that he had been falsely implicated in the instant case by the informant.

The plea taken by the accused is not going to affect the prosecution case as defence side has not disputed the fact that accused took the victim to Lakhimpur and thereafter towards Guwahati where they were arrested by police of ISBT, Guwahati.

23). In the present case, birth certificate of the victim was seized by the I.O. Sri Hema Kanta Nath [PW-8] as is revealed from evidence of Sri Anil Saikia [PW-3], father of the victim girl-cum-informant of the case who exhibited the seizure-list vide Exhibit-3. The informant also exhibited the birth certificate in the Court vide Material Exhibit-1. Defence did not question anything before this witness that the aforesaid birth certificate of the victim was a forged one.

Moreover, the victim in her statement under Section 164 Cr.P.C. also stated her age to be 13 [fifteen] years, which she made before learned Magistrate on 02/05/2017, after her recovery with the accused. Keeping the consistency of the victim while deposing before this court as PW-1 on 10/08/2018 also stated her age as 14 [fourteen] years. So, there is consistency in the evidence of witnesses including victim that she was aged 14 [fourteen] years at the time of incident and she was a child. There is nothing on record to create a doubt about the bone/medical age of the victim child as determined by the Medical Officer as she was not cross-examined by the defence on this aspect. Defence side could not shake the evidence in the cross-examination of PW-2 & PW-3. It is also seen from the medico legal report of victim [Exhibit-4] conducted by Dr. Meerajul Hazarika [PW-7] where the doctor opined the age of victim as below 18 [eighteen] years approximately on the date of examination, i.e., on 03/05/2017. Moreover, the birth certificate [Material Exhibit-1 which was proved in original] clearly shows the date of birth of victim as 31/08/2003.

Hence, the victim is found to be below 18 [eighteen] years of age at the time of incident.

24). It is a well settled law that the conviction on the sole evidence of a child witness is permissible, if such witness is found competent to testify and the court, after careful scrutiny of its evidence.

In the case of **Datttu Ramrao Sakhare-versus-State of Maharashtra**, reported in **[1997]** 5 SCC 341, the Hon'ble Apex Court has held
that — "A child witness if found competent to depose to the facts and
reliable one, such evidence could be the basis of conviction. In other
words, even in the absence of oath, the evidence of a child witness can
be considered under Section 118 of Indian Evidence Act, provided that

such witness is able to understand the questions and able to give rational answers thereof. The evidence of a child witness and credibility thereof would depend upon the circumstance of each case. The only precaution which the court should bear in mind while assessing the evidence of a child witness is that the witness must be reliable one and his/her demeanor must be like any other competent witness and there is no likelihood of being tutored".

- 25). In another case, i.e., *Pancchi –versus- State of Uttar Pradesh, AIR 1998 SC 2726*, the Hon'ble Apex Court has held that "It is not the law that if a witness is a child, his/her evidence shall be rejected, even if it is found reliable, The law is that evidence of a child witness must be evaluated more carefully and with greater circumspection because a child is susceptible to be swayed by what others tell them and this child witness is easy prey to tutoring".
- **26).** The ratio as laid down in the above case is that the testimony of a child witness is attributed the same kind of credibility that it attached to the statement of any other witness if the testimony is consistent.

In the present case, the victim has been consistent on the material particulars with regard to the incident which is supported by her mother [PW-2], her father-cum-informant [PW-3] and independent witness Sri Pradip Saikia [PW-6].

27). Learned counsel for the accused, in his argument, stated that victim accompanied the accused voluntarily, so accused cannot be convicted for kidnapping.

In the case of *Parshotam Lal-versus-State of Punjab, (2010)*1 SCC 65, it has been held by Hon'ble Apex Court in its judgment as follows

"That if the girl kidnapped is below 18 years, consent is immaterial for the offence to be made out. It is just more than a technical offence".

- 28). In another case, i.e., *Moniram Hazarika-versus-State of* Assam, (2004) 5 SCC 120, it has been held by Hon'ble Supreme Court in its judgment that "prosecutrix was a minor at that time when she was taken away from her lawful guardian. But the defence contended that both the appellant and the victim [PW-2] were in love for a number of years prior to the date of the incident and she voluntarily and willingly went with him therefore, even though she is a minor, since there was no enticement or taking away as contemplated under Section 361 of IPC. It is also contended that even a minor has every right to abandon the house of the guardian and go to any place of his or her choice and there is no legal obligation on the person to whose place such minor goes to restore back the minor to the custody of the legal quardian. Rejecting the argument Supreme Court held that the material on record shows that there was a promise of marriage made to PW-2 which amounts to enticement of a minor because of which she had left the house of her lawful guardian".
- **29).** On appreciation of the evidence on record as well as other facts and circumstances of the case, it is found that there is allegation of kidnapping of the victim girl by the accused. The parents of the victim [PW-2] and [PW-3] divulged that on the date of incident their daughter went on missing from the way to home from school. Similarly, the victim girl has narrated the facts in detail. Victim in her evidence-in-chief clearly stated that accused came to the road in a bicycle and threatened her that if she raises hue and cry then he will assault and cut her, which clearly amounts to enticement of a minor under 18 [eighteen] years of age, for keeping out of lawful guardianship of the minor victim.
- **30).** From the facts and evidence of witnesses it appears that prosecution side has been able to prove the case against the accused under Section 363 of IPC instead of case under Section 366-A of IPC.
- **31).** The essential ingredients of the offence under Section 361 are as follows:

- 1) The accused took or enticed away a minor or a person of unsound mind;
- 2) Such minor, if male, must be under 10 years of age and, if female, under 18 years of age;
- 3) The act must be one of taking or enticing out of the keeping of the lawful guardian of such minor or person of unsound mind;
- 4) The act of taking or enticing away must be done without consent of the lawful guardian.
- 32). In the case of *State-versus-Rajaram, AIR 1973 SC 819,* it has been held by Hon'ble Apex Court that "the object of Section 361 IPC is to protect the minor children from being seduced for illicit intercourse and also to protect the rights and privileges of guardians having lawful custody of their wards".

In another case, i.e., *Parkash-versus-State, AIR 2004 SC 227,* it has been held by Hon'ble Supreme Court that "the gravamen of the offence under Section 361 lies in the taking or enticing of a minor under the ages specified in the section, out of the keeping of the lawful guardian without the consent of such guardian".

The Hon'ble Apex Court in the case of **State of Haryana-versus-Rajaram**, **AIR 1973 SC 819**, has held that "kidnapping within the meaning of this section is affected not only by taking or enticing away a person but also by alluring such person to go away from the protection of the guardian".

33). In view of the above discussion, I am of the considered view that prosecution has considerably been able to prove the case of kidnapping against accused Md. Hassan Ali Mollah which is punishable **under Section 363** of IPC. Hence the accused is **convicted** there under.

It may be mentioned herein that accused was charged under Section 366-A of IPC which is a graver charge than offence under Sections 361/363 of IPC. Hence, in my considered opinion, the conviction of accused under Section 363 IPC is not going to prejudice the accused in any way, in defending himself, in this case.

On scrutinizing the evidence on record, it is seen that no case has been made out against accused Md. Hassan Ali Mollah under Section 4 of The Protection of Children From Sexual Offences Act, 2012, as victim nowhere stated in her evidence that accused indulged in sexual intercourse with her. Moreover, Medical Officer [PW-7] also did not find any evidence of recent sexual intercourse on the person of victim or evidence of injury or violence mark on her person as per medical examination report [Exhibit-4]. Victim did not specifically narrate as to the manner in which rape was committed on her person and there is no evidence at all whether the rape, she means, was in-fact, a penetrating sexual intercourse or not. Prosecution has not been able to make out a case against the accused Md. Hassan Ali Mollah under the aforesaid section of law beyond reasonable doubt, for which, I am of the opinion that the accused is entitled to acquittal under benefit of doubt which I accordingly do.

Sessions Judge, Jorhat

Date: 14-11-2018

SENTENCE HEARING

- **34).** Accused Md. Hassan Ali Mollah is heard on the point of sentence. The accused has submitted that he resides with his ailing mother and there is none to look after her in his absence. He further submitted that if he is sent to jail hajot, then his family will be destroyed. Hence, the accused prayed for leniency. There is no other criminal case pending against me.
- **35).** I have heard Sri Bambeswar Barua, learned Defence Counsel for the accused as well as Sri Muhidhar Dutta, learned Special Public Prosecutor, Jorhat.

The accused in this case kidnapped a minor girl by telling his name and religion falsely to her. He would have ruined her life if police did not caught him. Hence, I do not want to treat him leniently.

So, considering all aspects, accused **Md. Hassan Ali Mollah** is sentenced to undergo **RIGOROUS IMPRISONMENT** for **05** [five] years and also to pay a fine of **Rs. 10,000/-** [Rupees Ten Thousand], in-default of payment of fine, to suffer **RIGOROUS IMPRISONMENT** for **03** [three] months under Section **363** of IPC.

The period of detention already undergone by the accused during investigation and trial shall be set off from the period of imprisonment imposed on him under Section 428 Cr.P.C.

The accused is acquitted from the charge under Section 4 of The Protection of Children from Sexual Offences Act, 2012, as well as Section 366-A of IPC, as said, hereinbefore, under benefit of doubt.

- **36).** Free copy of the judgment be furnished to the accused immediately. Another copy of this judgment be sent to the learned District Magistrate, Jorhat under Section 365 Cr.P.C.
- **37).** Given under my hand and seal of this Court on this **14th** day of **November 2018**.

Special Judge, Jorhat.

ANNEXURES:-

PROSECUTION WITNESSES:-

PW-1	Victim.
PW-2	Smt. Rumi Saikia, mother of victim.
PW-3	Sri Anil Saikia, father of victim-cum-informant.
PW-4	Sri Binod Saikia, uncle of victim.
PW-5	Sri Ramesh Kalita, businessman.
PW-6	Sri Pradip Saikia, mason.
PW-7	Dr. Merajul Hazarika who examined the victim.
PW-8	Sri Hema Kanta Nath, A.S.I. of police.
PW-9	Md. Iman Shah, Homeguard.
PW-10	Sri Ratan Das, Homeguard.

COURT WITNESS:- NIL

EXHIBITS FOR THE PROSECUTION:-

Exhibit-1	Statement of victim girl recorded by the Magistrate under Section 164 Cr.P.C.
Exhibit-2	Ejahar
Exhibit-3	Seizure-list
Exhibit-4	Medico legal report of victim
Exhibit-5	Sketch Map of the site of occurrence with index
Exhibit-6	Charge-sheet

DEFENCE WITNESSES:- NIL

Special Judge, Jorhat.

Typed & transcribed by:

Sri Mrinal Jyoti Bora, (Stenographer Grade-I)