# IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE ::::UDALGURI

Present : Smti. N. Talukdar,
Addl. Sessions Judge,
Udalguri.

# Special (POCSO) 04/2019 U/S 376AB IPC R/W Section 06 of POCSO Act

# State of Assam

-Vs-

Abdul Matin.....Accused.

For the Prosecution : Mr. R. Sarmah, Addl. Public Prosecutor.

For the Accused : Mr. M.C. Narzary, Learned Advocate.

Date of Evidence : 14-06-19: 12-07-19: 25-07-19:

22-08-19: 17-09-19. 21-10-19.

Date of Argument : 09-01-2020.

Date of Judgment : 20-01-2020.

### <u>JUDGMENT</u>

1. The prosecution case in brief is that on 30-12-18, at about 03 pm on the pretext of giving Indian Berry (jujube) to the victim took her to the kitchen of a house of a family who were absent on that day, made her naked and while he was committing rape upon her, the victim's sister Jaygon Nessa witnessed the incident and raised hue and cry. Then the accused fled away from the place of occurrence. Hence, on the same day, the father of the victim lodged an FIR with the Officer-in-Charge of Orang P.S.

- On the basis of the FIR, Orang PS Case No. 113/18, under Section 376AB IPC R/W Section 6 of POCSO Act was registered and after completion of investigation Police submitted charge-sheet under Section 376AB IPC R/W Section 6 of POCSO Act against the accused Abdul Matin.
- 3. In consideration of the submission of the learned counsel for both the parties and materials on record and having found sufficient grounds for presuming that the accused person had committed offence under Section 376AB IPC R/W Section 6 of POCSO Act, learned Special Judge framed charge there under and the ingredients of charge under Section 376AB IPC R/W Section 6 of POCSO Act were read over and explained to the accused to which he pleaded not guilty and claimed to be tried. Thereafter, the learned Special Judge vide Order dated 12-07-2019, transferred the case to this court for disposal.
- 4. The prosecution in order to prove its case examined the following 10(ten) witnesses:

PW1- Javed Ali.

PW2- Dr. Jyoti Kr. Nath.

PW3- Victim-A.

PW4- Jaygon Nessa.

PW5- Khudeja Begum.

PW6- Saleha Khatoon.

PW7- Abdul Samed.

PW8- Md. Nur Abdin.

PW9- ASI Ajoy Montry.

PW10- Dharani Das.

- The statement of the accused person had been recorded U/S 313
   Cr.P.C. The defence plea was of total denial. Defence had declined to adduce defence evidence.
- 6. Situated thus, the point for determination in the instant case is set up as follows:-
  - (I) Whether the accused committed rape on victim-A, a woman under 7 years?
  - (II) Whether the accused committed aggravated penetrative sexual assault upon Victim-A who is a minor girl aged about 07 years?

### **DISCUSSION, DECISION AND REASON FOR DECISION:**

- 7. I have heard learned Addl. PP Mr. R. Sarmah for the prosecution and learned defence counsel Mr. M.C. Narzary.
- 8. Learned Addl. P.P. has argued that there is consistent, cogent and reliable evidence of all the prosecution witnesses to bring home the guilt of the accused that he committed an offence punishable under Section 376AB IPC R/W Section 4 of POCSO Act.
- 9. Per contra learned defence counsel has argued that the evidence of the victim is not at all reliable. In cross-examination, the victim revealed a different story inconsistent with the prosecution version of the case. Learned defence counsel further argued that there is no medical evidence regarding sign of any sexual intercourse or external injury. In absence of medical evidence regarding sexual assault upon the victim the prosecution case is not at all reliable.
- 10. Before appreciating the arguments put forward by learned Addl. P.P. for the State as well as the rival submission advanced by the learned

defence counsel, I would like to discuss the evidences adduced by the prosecution.

11. PW3, the victim is a minor girl. Before recording her evidence she was duly examined to ascertain that she had attained the maturity of understanding. The victim testified in support of the prosecution case and against the accused. In her evidence she had deposed that on the date of occurrence while she was playing on the road near her house with her friends, the accused took her to the house of Saleha on the pretext of giving her Indian jujube. The accused took her to the kitchen and removed her panty, applied his spit on her vagina and touched her vagina by his penis. Then she cried but the accused scolded her. At that time her elder sister Jaygon Nessa came to the place of occurrence and having seen the incident she went to her home and informed her mother. Then the accused fled away from the place of occurrence. Later on, her mother came there and took her home. PW3 had deposed that she informed her mother about the incident. She had deposed as a result of the incident she felt pain in her vagina. In cross-examination, PW3 had stated that on the road Karun, Hate and accused granddaughter Jasmina were playing with her. The kitchen where she was taken to was situated near the place where she was playing. She stated that the accused smoke biri at the place where they were playing and then the match box of the accused fell down on the ground. Then she picked up the match box and taking the match box she ran towards the kitchen. The accused also chased her, her friends Karun and Jasmina and other also followed her in the kitchen. She kept the match box inside her pant and the accused took out the match box from under her pant. Her friend Karun and Jasmina and others had seen the accused taking out the match box from under her pant. PW3 had specifically denied the suggestion that the accused did not do any bad work with her. She stated at the time of incident she was in standing position. She denied the suggestion that she had adduced

false evidence as tutored by her father. She denied the suggestion that the accused did not remove her panty.

- 12. Corroborating the evidence of the victim is the evidence of her elder sister Jaygon Nessa, who has been examined in the case as PW 4. In her evidence PW4 had stated that on the date of occurrence while she came to road to call her sister, she heard crying of her sister from the road. Then she went to the kitchen of her aunt Saleha which was situated near her house and found her sister and the accused in naked condition and the accused was embracing her sister. Then she went to her home and informed her mother. Her mother came to the place of occurrence scolded the accused, thereafter, accused left the place of occurrence. In cross-examination, PW4 had stated that at the time of incident her younger sister was sitting alone on the road. At that time she was not playing with anyone else. At the time of incident the family members of her aunt were not present at home. She entered into the kitchen and found both of them naked. PW4 had denied the suggestion put forward by the defence that at the time of incident the victim ran to the kitchen taking the match box of the accused and the accused to take out the match box touch the pant of the victim and that victim friends Karun and Jasmina were present there.
- 13. PW1 is Javed Ali, father of the victim girl and informant of the case. In his evidence PW1 had deposed that on that day he went to his work. At around 3 PM one mason named Nurabuddin who was working at his home informed him over telephone that a quarrel took place between the accused Abdul Muddin and his wife and asked PW1 to come to his home immediately. Then he came to his home. On being enquired about the incident his wife told him that accused after coming to their home took his daughter to the adjacent house of Jalaluddin and after removing her panty committed rape on her which was witnessed by his another daughter Jaigun Begum as she went there in search of his

younger daughter. His victim daughter was 7 years old at the time of occurrence. On seeing the incident his elder daughter informed his wife about the incident. Then his wife immediately rushed to the house of Jalaluddin and no sooner did she reach the house of Jalaluddin then the accused came out from the house of Jalalauddin and after abusing his wife with foul language fled away from the scene. On being asked victim also narrated before him about the incident stating him that the accused committed rape on her after disrobing her panty. Then he placed the matter before the village samaj but when he did not receive any favorable response from the elderly persons of the village he lodged an FIR before the police on the same day of incident. PW1 put his thumb impression in the FIR. In cross-examination, PW1 had stated that close to his house is the house of Jlalauddin, accused Muddin, Archiya Begum. Accused separately resides from his sons Amiruddin and Nabin Hussain. Amiruddin and Nabin reside separately near his house. The mason Nuruddin who was working in his house along with helper did not witness the incident of rape committed by the accused at the house of Jalaluddin. PW1 had denied the suggestion that on the day of occurrence the accused tethered three cattle near his house and as a result of which an altercation ensued between his wife and accused and this information was conveyed to him by the mason. His victim daughter told him that the accused embarrassed her with his hands and in standing position the accused committed rape on her. On the next day of the incident his victim daughter was examined by the doctor. PW1 had denied the suggestion that on the date of occurrence the accused did not commit rape on his victim daughter.

14. PW5 is Khudeja Begum, mother of the victim girl. In her evidence PW5 had deposed that about six-seven months ago, at about 3 pm, the occurrence took place. At that time she asked her elder daughter Jaigon Nessa to call victim-A from outside. After a while, Jaigon returned back home and informed her that she had found both accused

and victim in naked condition in the kitchen of Saleha. The house of Saleha was near her house. On hearing about the incident from Jaigon, she immediately rushed to the kitchen of Saleha. As soon as she reached there, she found accused Motin coming out from the kitchen. Inside the kitchen, victim was crying naked without her panty. She scolded the accused but he did not say anything. She put victim her panty on and took victim back home. She informed her husband over phone and called him back. Her daughter informed her that the accused applied his spit on her vagina and tried to commit rape upon her. At that time, Saleha was not present at her home. When Saleha returned back home, she informed her about the incident. She also informed the neighbors about the incident. Later on, her husband lodged the FIR. Her daughter was examined by the doctor and was produced before the Magistrate by the Police. In cross-examination, PW5 had stated that while she asked her elder daughter Jaigon to call the victim, she was not aware where the victim was. She had not seen the accused taking the victim to the kitchen of Saleha. When she saw the accused, he was not naked. At that time he was wearing "lungi" and vest. Her statement had been recorded by the Police. PW5 had denied the suggestion that she did not state before the Police that her elder daughter Jaigon informed her that she had found both accused and victim Jesmina in naked condition in the kitchen of Saleha and that she did not state before the Police that the victim informed her that the accused applied spit on her vagina. The accused used to smoke "bidi". PW5 had denied the suggestion that on the date of occurrence, while the accused tried to lit "bidi", his matchbox fell down and the victim lifted his matchbox, kept it under her pant and ran away to the kitchen of Saleha, the accused followed her and took the matchbox from under the pant of victim and that accused was innocent and her husband had filed a false case against the accused.

- 15. PW6 is Saleha Khatoon in whose kitchen the alleged incident had taken place. In her evidence PW6 had deposed that about five-six months ago, at about 3 pm, the occurrence took place. At that time she was not at home. She went to village for roaming. In the afternoon when she returned home, the mother of victim informed her that just a while ago the accused tried to commit rape upon the victim in her kitchen. The room where her kitchen was situated did not have door. In cross-examination, PW6 had stated that on the date of occurrence, she went to the house of her paternal aunt along with her two children. In the morning, at about 9 am, she left home for the house of her aunt. After a while of the incident, she reached her home. She did not find people in her home. There were people in the house of the informant. She did not have direct knowledge about the incident. She had heard about the incident from the mother of the victim.
- 16. PW7 is Abdul Samed. In his evidence PW7 had deposed that on the date of occurrence, at about 7-8 pm, he had heard from informant Jabed Ali that the accused committed rape upon his younger daughter victim-A in the kitchen of Saleha. In cross-examination, PW7 had stated that he did not visit the house of the informant after knowing about the incident. He had not seen the incident.
- 17. PW8 is NurAbdin. In his evidence PW8 had deposed that on the date of occurrence, he was working in the house of the informant Jabed Ali. In the afternoon the children were making commotion on the road. He did not go to the road. After sometime mother of victim informed him that the accused committed rape upon the victim in the kitchen of Saleha. In cross-examination, PW8 had stated that he had heard about the incident at about 3-3.30 pm from the mother of the victim. He did not ask the victim girl about the incident. After hearing about the incident, he continued to work and did not go to the place of occurrence.

18. PW2 is Dr. Jyoti Kr. Nath, Sr. M&HO at Udalguri Civil Hospital. In his evidence PW2 had deposed that on 31-12-18, at 01:00 PM he examined the victim girl in connection with Orang PS case No. 113/18, being escorted by WPC Purnima Das. On examination he found as follows:

Smear examination not done as refused by the girl.

Approximate radiological age 6-7 years. No sign of any sexual intercourse. No sign of external injury. Not pregnant.

Ext. 1 is the medical report wherein Ext. 1(1) is the signature of PW2. Cross-examination of PW2 had been declined by the defence.

19. PW9 is ASI Ajoy Montry, Investigating Officer of this case. In his evidence PW9 had deposed that on 30-12-2018, he was posted as ASI at Orang PS. On that day, on receiving a written FIR from Javed Ali, the Officer In-charge of Orang PS SI Gagan Ch. Deka registered Orang PS case no. 113/18 U/S 376(A) IPC r/w section 6 of Pocso Act and entrusted PW9 to conduct the investigation of the case. Accordingly, PW9 recorded the statement of the informant in the PS only, visited the place of occurrence, prepared the sketch-map of the place of occurrence and recorded the statements of witnesses U/S 161 Cr.P.C. He also arrested the accused and forwarded him to the learned court. He also sent the victim for medical examination and got her statement recorded through learned Magistrate U/S 164 Cr.P.C. After completion of investigation, having found sufficient material, he submitted chargesheet against the accused U/S 376(A)(B) IPC r/w section 6 of Pocso act. Ext-2 is the FIR lodged by Javed Ali. Ext-2(1) is the signature of O/c SI Gagan Ch. Deka under the note regarding registration of the FIR. PW9 was acquainted with the signature of SI Gagan Ch. Deka. Ext-3 is the sketch-map. Ext-3(1) is the signature of PW9. Ext-4 is the charge-sheet. Ext-4(1) is the signature of PW9. In cross-examination, PW9 had stated that at about 8 pm, he proceeded to the place of occurrence. On 31-12-18, he recorded the statement of witness Nur Abdin. On 31-12-18, the victim was examined by the doctor. On the same day, he recorded the statement of Jaigon Nessa.

- 20. PW10 is Dharani Das, Bench Assistant, SDJM(S) Udalguri. In his evidence PW10 had deposed that on 31-12-2018, he was working as Bench Assistant of learned SDJM(S) Udalguri, Mrs A. Kar. On that day learned SDJM(S) Udalguri recorded statement of victim-A U/S 164 Cr.P.C in Orang PS case no. 113/18. After recording statement of the victim, PW10 took the thumb impressions of the victim in her statements. Ext-5 is statement of the victim recorded U/S 164 Cr.P.C. Ext-5(1), 5(2), 5(3) & 5(4) are the signatures of PW10 under the thumb impressions of victim in her statements. Ext-5(5) & 5(6) are the signatures of Mrs Arpita Kar, learned SDJM(S) Udalguri. PW10 was acquainted with her signature. In cross-examination, PW10 had stated that the statements of the victim girl had been recorded by the learned SDJM(S) in her official chamber.
- 21. The law regarding appreciation of evidence of the victim of the sexual offence is set at rest by catena of Judgments rendered by the Honourable Apex Court. In the decision of **State of Punjab Vs. Gurmit Singh reported in 1996 SC 1393,**Hon'ble Supreme Court has held that in the matters of sexual assault on a female, the Court should examine the broader probabilities of a case and should not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix.
- 22. In State of Orissa VS Thakara Besra and another, AIR 2002 SC 1963, the Hon'ble Apext Court held that rape is not mere a physical assault, rather it often distracts the whole personality of the victim. The rapist degrades the very soul of the helpless

female and, therefore, the testimony of the prosecutrix must be appreciated in the back ground of the entire case and in such cases, non examination even of other witnesses may not be a serious infirmity in the prosecution case, particularly where the witnesses had not seen the commission of the offences.

23. In the light of above law principle law as laid down by Hon'bel Supreme Court on careful scrutiny of the evidence of the victim girl (PW3) it appears that she has stated in graphical manner that on the date of occurrence accused took her to the kitchen of Saleha on the pretext of giving her Indian jujube, took off her panty, applied his spit on her vagina and touched her vagina by his penis. Then she cried out but the accused scolded her. At that time her elder sister Jaygon Nessa came to the place of occurrence and having seen the incident she went to her home and informed her mother. PW 4, Jaygon nessa, corroborated the evidence of the victim and testified that while she came to road to call her sister, she heard crying of her sister from the road. Then she went to the kitchen of her aunt Saleha which was situated near her house and found her sister and the accused in naked condition and the accused was embracing her sister. Then she went to her home and informed her mother. PW 5, the mother of the victim too adduced evidence corroborating the evidence of her daughters. What transpired from the evidence PW 5 is that when Jaigon(PW 4) informed her about witnessing both accused and victim in naked condition in the kitchen of Saleha, she immediately rushed to the kitchen of Saleha. As soon as she reached there, she found accused Motin coming out from the kitchen. Inside the kitchen, victim was crying naked. PW 5 scolded the accused but he did not say anything. Thereafter she made victim to wear her panty on and took victim back home. PW 1, the father of the victim was informed about the incident by his wife. PW Saleha also came to know about the incident from the mother of the victim. PW8 is

NurAbdin, who, on the date of occurrence, was working in the house of the informant came to know about the incident of sexual assault upon the victim from her mother. However after hearing about the incident, he continued to work and did not go to the place of occurrence.

- 24. Learned defence counsel has contended that the testimony of the victim is not at all reliable inasmuch as during cross examination the victim divulged a different story contradicting the entire prosecution version of the case. A close and careful evaluation of the evidences on record would reveal that the victim girl candidly narrated the entire incident. During cross examination the defence she admitted that the accused smoke biri at the place where she was playing with her freinds and then the match box of the accused fell down on the ground. Then she picked up the match box and taking the match box she ran towards the kitchen. The accused also chased her, her friends Karun and Jasmina and other also followed her in the kitchen. She kept the match box inside her pant and the accused took out the match box from under her pant.
- 25. Learned Addl. P.P replying to the argument advanced by the defence submitted that the admission made by the victim during cross examination is not contradictory to her testimony in chief inasmuch as she denied the suggestion put forward by the defence that no incident of sexual assault had taken place upon her. He further submitted that the probably before the incident or on some other day those incidents had taken place. Hence mere admission of some sequence of events by the victim does not imply that victim has contradicted her testimony in chief.
- 26. I have scrutinized the evidence of the victim in its entirety with great care and caution and found that though some sequence of events

asked to her by the defence have been admitted but she specifically denied the suggestion that the accused did not do any bad act with her. During cross examination she even revealed that at the time of incident she was in standing position. She also denied the suggestion that the accused did not take off her panty. Thus when the victim admitted happening of some events having no relevancy with the prosecution version does not mean that she had contradicted her testimony in chief. As such I find not merit in the contention of learned defence counsel that the victim is not a reliable witness as she stated a different story during cross examination. The revelation of those facts is only answer to suggestions put to her during cross-examination but same is not in denial of the incident of sexual assault upon her.

- 27. Section 3 of the POCSO defines the offence of penetrative sexual assault and it reads thus :
  - "3. Penetrative sexual assault : A person is said to commit "penetrative sexual assault" 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 Gaikwad
  - (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 make s the child to do so to such person or any other person."
- 28. In the present there is clear, cogent and unimpeachable evidence of the victim girl that the accused took off her panty, applied his spit on her vagina and touched her vagina with his penis. What emerged from the evidence of the victim is that there is no penetration of penis into the vagina of the victim. As such absence of injury or sign of sexual

intercourse in medical evidence does not affect the credibility of evidence of the victim. Moreover, it is pertinent to mentioned herein that in a case of sexual assault medical evidence is not sine qua non.

- 29. Clause (a) of Section 3 of the POCSO Act in clear words states that penetrative sexual assault is committed if a person penetrates his penis to any extent into the vagina. The word 'penetration' used in Clause (a) of Section 3 of the POCSO Act, cannot be construed to mean touching of the male organ to the vagina.
- 30. Though there is no penetration of penis but circumstances in which the incident happened and conduct of the accused such as applying of his spit on the vagina of the victim and contacting his penis to her vagina amply shows that had the elder sister of the victim not been arrived at the time of occurrence the accused would have penetrated his penis into the vagina of the victim in order to gratify his lust. The conduct of the accused shows that all the elements of attempt to commit penetrative sexual assault upon the victim are present. While unleashing the meaning of attempt to commit an offence the Hon'ble Supreme Court in **Aman Kumar and Anr Vs. State of Haryana**, held that "an attempt to commit an offence is an act, or a series of acts, which leads inevitably to the commission of the offence, unless something, which the doer of the act neither foresaw nor intended, happens to prevent this. An attempt may be described to be an act done in part execution of a criminal design, amounting to more than mere preparation, but falling short of actual consummation, and, possessing, except for failure to consummate, all the elements of the substantive crime. In other words, an attempt consists in it the intent to commit a crime, falling short of, its actual commission. It may consequently be defined as that which if not prevented would have resulted in the full consummation of the act attempted".
- 31. The present case is one where all the elements of attempt to commit the offence of penetrative sexual assault upon the victim is present.

The conduct of the accused is indicative of his determination to have sexual intercourse with the victim in all events.

- 32. Section 18 of POCSO Act prescribes the punishment for attempt to commit an offence. According to Section 18 of POCSO Act, whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.
- 33. It appears from the medical evidence that the approximate radiological age of the victim at the time of examination was six to seven years. Then even if the benefit of margin of error of two years is given to the accused than also the victim was a child below twelve years on the date of occurrence. Under Section 5(m) of POCSO Act, whoever commits penetrative sexual assault on a child below twelve years is said to commit aggravated penetrative sexual assault. Since, on the date of occurrence the victim was a child below twelve years, therefore, I find that the accused committed an offence punishable under Section 6 of POCSO Act, R/W Section 18 of POCSO Act.
- 34. In the light of what has been discussed, stated and observed above, I am constrained to hold that the accused Abdul Matin is found guilty under Section 6 of POCSO Act, R/W Section 18 of POCSO Act. He is, therefore, convicted under Section 6 of POCSO Act, R/W Section 18 of POCSO Act. Considering the nature and gravity of the offence in my considered view no benefit under Section 360 Cr.P.C. or under Section 3/4 of the Probation of offenders Act 1958 can be extended to the convicted accused person.

#### **PART-II**

- 35. Before awarding sentence, I have heard the learned defence counsel and have recorded the statement of the convict Abdul Matin U/S 235(2) of the Cr.P.C. to consider the question of punishment to be inflicted on him. The accused took the plea of innocence.
- 36. Now coming to the point of sentence, it is to be borne in mind that sentencing for any offence has a social goal, it has to be imposed regard being head to the nature of the offence and the manner in which offence has been committed and aim of sentence is not only deterrent but also correctional and reformative and the determination and awarding of adequate sentence should always be commensurate with the gravity of offence.
- 37. Section 18 of POCSO Act provides for punishment for attempt to commit an offence. According to Section 18 of POCSO Act for an attempt to commit an offence the offender shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both. Section 6 of POCSO Act provides for longest term of imprisonment which is imprisonment for life. Therefore, as the accused is found guilty for attempt to commit aggravated penetrative sexual assault on the victim girl who at the relevant time was below twelve(12) years of age, the accused is liable to undergo rigorous imprisonment for one-half of the imprisonment for life.

#### **ORDER**

38. In the result accused Abdul Matin is sentenced to undergo rigorous imprisonment for one-half of the imprisonment for life under Section 6 of POCSO Act R/W Section 18 of POCSO Act and to pay fine of Rs.

10,000/- (ten thousand) only in default rigorous imprisonment for six(6) months.

- 39. It is ordered that the period of jail detention if any, already undergone by the convicted accused person during the period of investigation, enquiry or trial, shall be set off under Section 428 of the Cr.P.C. against the term of imprisonment imposed on him.
- 40. The convicted accused person shall be furnished with a copy of this Judgment free of cost forthwith.
- 41. Let one copy of the Judgment be sent to the learned District Magistrate, Udalguri in view of the provision under Section 365 Cr.P.C.
- 42. Judgment is signed, delivered and pronounced in the open court today the 20<sup>th</sup> day of January, 2020.

### **Dictated and Corrected**

(N. Talukdar) Addl. Sessions Judge Udalguri. (N.Talukdar) Addl. Sessions Judge Udalguri.

## IN THE COURT OF ADDL. SESSIONS JUDGE:::::::UDALGURI.

# Special (POCSO) 04/2019 APPENDIX

(A) Prosecution Exhibits:

Ext.-1: Medical report.

Ext.-2: FIR.

Ext.-3: Sketch map.

Ext.-4: Charge sheet.

Ext.-5: Statement of victim U/S 164 Cr.P.C.

(B) Materials Exhibits : Nil.

(C) Defence Exhibits : Nil.

(D) Exhibits produced by witness: Nil.

(E) Court Exhibits : Nil

(F) Prosecution witnesses:

PW1- Javed Ali.

PW2- Dr. Jyoti Kr. Nath.

PW3- Victim-A.

PW4- Jaygon Nessa.

PW5- Khudeja Begum.

PW6- Saleha Khatoon.

PW7- Abdul Samed.

PW8- Md. Nur Abdin.

PW9- ASI Ajoy Montry.

PW10- Dharani Das.

(G) Defence witnesses : Nil.

(H) Court witnesses : Nil.