IN THE COURT OF SPECIAL JUDGE, SONITPUR AT TEZPUR

SPECIAL (POCSO) CASE NO. :- 32 OF 2016

(Under Section 354 of IPC r/w section 8 of the POCSO Act, arising out of G.R. Case No. 605

of 2014)

Present :- Sri Ashok Kumar Borah, AJS

Special Judge, Sonitpur

Tezpur

Prosecutor :- State of Assam

-vs-

Accused :- Sri Gejai @ Bhaben Das

Son of Late Purna Kanta Das, Resident of Ramnathpur, Police Station – Missamari, Dist:- Sonitpur, Assam

Date of framing Charge :- 20/09/2016

Date of Recording Evidence :- 29/04/2017, 14/07/2017,

08/08/2017 & 22/08/2017

Date of examination of accused u/s

313 Cr.P.C

- 31/05/2017 & 25/07/2017

Date of Argument :- 19/09/2017

Date of Judgment :- 19/09/2017.

Counsel for the Prosecution :- Mr. Munin Chandra Baruah

Public prosecutor

Sonitpur.

Counsel for Accused :- Mr. F. Haque, Advocate.

JUDGMENT

1. In this case accused Sri Gejai @ Bhaben Das is put for trial for allegation of charge under Section 354 of IPC r/w section 8 of the POCSO Act, 2012.

- 2. The prosecution case according to the FIR in brief is that on 14.03.2014 taking advantaged of absence of any of the family members of the informant the accused trespass into the house of the informant attempted to commit rape on his 12 years old minor daughter while the said daughter raised alarm the accused fled away from the house of the informant. Hence, this prosecution case. The ejahar was filed by one Smt. Manju Basumatary before the O/C of Missamari Police Station on 15.03.2014.
- 3. On receipt of the aforementioned FIR, the Officer-In-Charge of Missamari Police Station registered a case being Missamari P.S. Case No 29/14 u/s 448/376/511 of IPC r/w section 8 of the POCSO Act, 2012 and endorsed S.I. G. Ch. Borah to investigate the case. After completion of usual investigation, the O/C Missamari Police Station sent up the accused for trial by filing charge sheet u/s 448/376/511 of IPC r/w section 8 of the POCSO Act against the accused Sri Gegai @ Bhaben Das.
- **4.** On being appeared the accused before this Court, after hearing both parties, my learned predecessor-in-court framed charge under section 354 of IPC r/w section 8 of the POCSO Act, 2012 against the accused and particulars of the charge was read over, explained to the accused to which he pleads not quilty and claims to be tried.
- of witnesses. After completion of prosecution evidence, accused was examined u/s 313 Cr.P.C. All the allegations made against the accused and evidence appears against the accused are put before him for explanation where he denied the evidence. To buttress the defence, the accused declined to give defence evidence.
- **6.** I have heard argument put forwarded by learned advocate of both the parties.

- **7.** The point for decision in this case is that -
 - (1) "Whether on or about in the evening of 14.03.2014, at village No-2, Ramnathpur under Missamari Police Station, assaulted Miss "X", 12 years of age (or used criminal force to a woman, intending to outrage) (or knowing it to be likely that you would thereby outrage the modesty of the said Miss "X") and thereby committed an offence punishable under section 354 of IPC?
 - (2) "Whether the accused on the same date, time and place had committed penetrative sexual assault on the victim Miss "X" (12 years) and thereby committed an offence punishable under section 8 of the Protection of Child from Sexual Offences Act?

Reasons, Decisions and reason for decision.

- **8.** To arrive at the judicial decision, let me appreciate the evidence on record.
- **9. PW 1, Dr. Sarumai Saikia Bezbaruah,** who is the medical officer of this case has stated that on 14.03.2014 she was working as Medical & Health Officer-1 Garubandha State Dispensary, Missamari and on that day at about 9 AM, she examined one minor girl in the PHC on police requisition of Missamari PS Case No. 29/20145 u/s 448/376/511 IPC r/w section 8 of POCSO Act and found the following:

"She gives history of trying for rape by as person. Abrasion on right side of cheek. Teeth 13/12. Advised for X-ray of iliac crest, wrist

joint for ossification test. Age is below 18 years. She is minor girl. No secondary sexual character developed. She told that the person tried to do sexual intercourse but failed. No injury seen in her private parts.

Ext. 1 is the Medical report and Ext. 3(1) is her signature. Ext. 2 is the police requisition.

- **10.** In her cross examination, she admitted that she has not mentioned the date and time of examination but she has mentioned the date of incident. So far, she recalled on the date of examination, she has put signature in her report.
- PW 2, Smt. Manju Basumatary, mother of the victim as well 11. as the informant of this case stated that the accused is her neighbour and the incident took place about 3 years ago. On the day of incident, at about 8 AM, she along with her husband went to do work. On that day, her two sons went to the school. Victim was alone in the house. At about 4 PM, she returned back. One Rishi Boro informed her that an incident took place in her house. She told her that when she went to the house of her mother to bring rice at that time she heard shouting by her daughter in their house. At that time accused Gejai Das came out from their house. When she asked her daughter, she told her that accused took her on his leg and removed her clothes and laid her down on a bed. The accused has also removed his pant and attempted to commit misdeed. Misdeed means attempt to rape. She has noticed one scratch mark on her cheek. Accused used to visit their house quite off and on to see a hen which was given by him on "adhi". When her husband returned to home, she and her daughter reported the matter to him. On the next day, she filed FIR at Missamari Police Station. As per her dictation the scribe has written the FIR. Her daughter was medically examined by a Doctor at Garubandha State Dispensary. Her daughter was also brought to the court for recording her statement u/s 164 of CrPC. She was given zimma to her.

- **12.** In her cross examination, she admitted that Gejai Das lives near their house. The hen lays eggs and six chicks are grown. Sometimes, the said hen lay eggs and sometimes 8/9 numbers of chicks are grown. Later on, the accused did not bring back the said hen. She has not seen the incident. Police recorded her statement. The victim girl at the time of reporting about the incident she could not speak clearly. She could not say the exact age of the victim girl at the time of writing the ejahar.
- 13. PW 3, Smt. Rishi Boro stated before this court that the accused is her neighbour and also know the victim of this case. The incident took place on 15.03.2014. On that day, she went to her mother's house to bring rice at about 9 AM. She met her maternal uncle. But she does not know his name. She saw accused entered into the house of the informant and thereafter she heard screaming of the victim. Then, she raised alarm. Thereafter, accused fled away from the house of the informant. She did not meet the victim. When the parents of the victim returned at 4 PM, she informed them that she saw accused entering into their house. Then the mother of the victim reported her that the accused put off the pant of the victim.
- **14.** In his cross examination, she admitted that she has not seen any incident. The victim also did not inform her about the incident. Except telling that Gejai had entered into the house of the informant she did not tell anything to the informant. She did not have any further discussion about the incident after reporting about the accused entering into their house. She heard that for the aforesaid a village meeting was held. She does not know about the proceeding of the meeting as she was absent. Police recorded her statement.
- **15. PW 4, Sri Satram Basumatary** who is the father of the victim has stated before the court that he knows the accused Gejai Das who used to visit their home quite off and on. The incident took place in the year 2014. On the day of incident, she went for his work. His wife is also gone out for work. At that time, his daughter "X", who is aged about 9 years was at home alone. In the evening while he along with

his wife came back to the home then they came to know from one Rishi Boro that accused came to their home in their absence and committed misdeed to his daughter by opening her pant. On being asked, the victim report to him and his wife that accused by opening her pant took her into his lap. It is also stated that the accused came their house and committed the said misdeed about 9 to 10 AM. Rishi Boro, wife of one Bhogeswar @ Bhola told him that she seen the accused while he committing the aforesaid bad act to the victim and on being seen the said Rishi Boro, the accused fled away. Police recorded his statement. Then his wife Smt. Manju Basumatary lodged the ejahar.

- **16.** In his cross examination, he admitted that he has not seen the incident. He know about the incident from the said Rishi Boro. He being the father of "X", know the age of his victim daughter. At the time of recording his statement by police he stated that his daughter was 12 years of age. His daughter/victim is a deaf and dumb and she cannot speak. Accused Gejai Das used to visit to their house to see the poultry on "adhi" system. Therefore, he used to visit their house to see the poultry. After the incident, they have stopped giving "adhi" to rear the poultry.
- 17. PW 5, Miss "X" victim of this case stated before this court that the accused Gejai is her neighbour. On the day of incident, her parents were not at home. Her younger brother also went to school. The incident took place in the morning time. On the day of occurrence, accused came to their house to see the poultry. The accused asked her to open her pant and he also opened his pant and then he took her on his lap after making her naked.
- **18.** In her cross examination, she admitted that a quarrel took place in between the accused with her father. Thereafter, a case was filed. The accused came to their house earlier in many occasions.
- **19. PW 6, SI Gokul Chandra Borah**, who is the I/O of this case stated that on 15.03.2014 he was posted at Missamari PS as 2nd Officer

and on that day one Smt. Manju Basumatary filed an ejahar before the O/C Missamari PS. On receipt of the said ejahar, O/C Missamari PS SI Nurul Hussain and registered the same vide Missamari PS Case No. 29/14 u/s 448/376/511 of IPC r/w section 8 of POCSO Act and entrusted him to investigate the case. Ext 3 is the said ejahar and Ext 3 (1) is the signature of O/C Missamari PS SI Nurul Hussain. On that very day, he has recorded the statement of the victim and the complainant at the police station. On 16.03.2014, he visited the place of occurrence, recorded the statement of the witnesses and prepared sketch map. Ext 4 is the sketch map and Ext 4 (1) is his signature. He then sent the victim for medical examination to Gorubandha PHC on 18.03.2014. Thereafter, he also sent the victim to the court to record her statement u/s 164 CrPC through the Ld. Magistrate. Ext 5 is the forwarding letter and Ext 5 (1) is his signature. During investigation, he could not arrest the accused person due to evading arrest. After completion of usual investigation, he filed charge sheet finding sufficient materials against the accused person under section 448/376/511 of IPC r/w section 8 of POCSO Act. Ext 6 is the charge sheet and Ext 6 (1) is his signature.

20. In his cross examination, he admitted that Ext 3 is silent about the time of the incident. He has not found any evidence of any public meeting held in the village to resolve the dispute. The informant also did not inform him about the public meeting held in the village to resolve the dispute. In Ext 4 sketch map he has shown the house of one Ponpi Boro as a neighbour of the informant but he has not shown said Pompi Boro as witness in the charge sheet. Pompi Boro's residence is the nearest residence of the place of occurrence. He has recorded the statement of the complainant Manju Basumatary on 15.03.2014.

Similarly, the witness Smt. Manju Basumatary, did not state before him that "the accused took her daughter on his lap and led her on a bed and the accused has also removed his pant and attempted to commit misdeed."

21. PW 7, Miss Panchali Shyam is the Addl. Chief Judicial Magistrate, Golaghat stated that On 18.03.2014 she was posted as a JMFC, Tezpur. On that day, in reference to Missamari PS Case No. 29 of 14 u/s 448/376/511 of IPC, one victim namely, Mousumi Basumatary, daughter of Satram Basumatary of Missamari PS was produced before her as she was the Elaka Magistrate then. The victim being 12 years of age, she had sent her to State Home, Nagoan, giving her time for reflection. The victim was asked to be produced on 20.03.2014. On that day i.e 20.03.2014, although the victim was produced before her, her statement could not be recorded as she looked uncomfortable and complained of stomach pain and she was sent with her mother on request of her mother, who filed zimma petition seeking her custody. The I/O was directed to hand over the victim to her mother on obtaining zimmanamma of Rs. 5000/- and the I/O was also directed to produce the victim on 25.3.2016 for recording her statement u/s 164 of CrPC. Accordingly, the victim was produced on 25.03.2016 and her statement was recorded. The victim being a minor aged about 12 years, she has made enquiry by putting different question to test her intelligence and rationality of the answer. The said victim was identified by one Home Guard Bharati Chakraborty. At the time of recording of the statement other than she and the said victim none was there. The victim made her statement voluntarily. After recording her statement, she has read over the contents of statement and on acceptance, the said Mousumi Basumatary put her thumb impression thereon. Ext 7 is the statement of Mousumi Basumatary and Ext 7 (1) is her signature. Ext 8 is the order for recording the statement of the said victim and Ext 8 (1) is her signature. Ext 9 is her order and Ext 9 (1) is her signature.

22. In her cross examination, she admitted that in Ext 7 the thumb impression of the witness was not endorsed by anybody. She has not put any question whether the witness was tutored by somebody. She has not certified Ext 7 as the witness made statement voluntary.

- **20.** These much is the evidence of the prosecution case. Defence plea is total denial while his statement was recorded u/s 313 of Cr.P.C.
- 21. Learned counsel for the accused submitted that the prosecution has failed to prove the case beyond any reasonable doubt. *Firstly,* the statement of the victim is doubtful as she herself admitted in her cross examination that after rearing of poultry a guarrel took place in between the accused with her father and after the said quarrel her father filed a case against the accused. **Secondly**, other than the victim none is the eye witness to the incident. Thirdly, there is no injury found on her private parts neither found on any organ of the body of the victim. Fourthly, according to the doctor the victim was below 18 years. On the other hand according to the Hon'ble Apex Court as held in Jai Mala Vs. Home Secretary, Govt. of Jammu and Kashmir and others AIR 1982 SC 1297 wherein it has been observed that the 2 years "+" and "Minus" should be given to the age as determine by the doctor in this type of cases. Therefore, as stated by the doctor the victim was below 18 years that means that the victim was below 20 years if I give 2 years added as par mended of the aforesaid case law of the Hon'ble Apex Court. Therefore, the age of the victim cannot be permitted to framed charge u/s 8 of POCSO Act, where it is only come under section 354 of IPC if the prosecution succeed in proving their case beyond any reasonable doubt. *Fifthly,* there is no any evidence of penetrate sexual assault of the victim. **Sixthly**, according to the evidence the accused rearing the poultry of the informant and to look after the poultry he went to the house of the victim. On the other hand the father of the victim used to sale liquor. After purchasing liquor accused had paid Rs. 10/- and during that time the seat cover of the cycle of the accused was taken by the victim and the accused tried to catch the said cycle seat. In that incident accused suddenly feel down on the victim which is not at all with any sexual intent. On the other hand, the Ld. Public Prosecutor submitted that the prosecution has ably proved the case beyond any reasonable, as such, accused is required to be convicted under the charged section of law.

- **22.** Keeping in mind the argument advanced by learned counsels of both sides, I am going to dispose of the case.
- **23.** I have thoroughly perused the case laws cited by the learned Senior Counsel for the accused.
- **24.** Keeping in mind the respective submissions advanced by learned counsel for both parties, I am going to dispose of the case as follows.
- 25. A close scrutiny of the evidence of the witnesses, it appears that the prosecution to substantiate the case examined seven numbers of witnesses. Out of seven numbers of witnesses, three are the official witnesses i.e. PW 1, Dr. Sarumai Saikia Bezbaruah who examined the victim, PW 6, the I/O SI Gokul Chandra Borah and PW 7, Miss Panchali Shyam, the Ld. Magistrate who recorded the statement of the victim u/s 164 of CrPC. There remain only four non official witnesses which includes the victim and the complainant. As the alleged incident took place inside the house of the informant. On the day of occurrence, in the morning time the parents of the victim was not at home and the younger brother of the victim went to the school. So, it would be futile to accept for the prosecution to other independent witnesses. Since, there is no any eye witness other than the victim. So, we are to see whether only the solitary statement of the victim can be convicted the accused in this case.
- **26.** The main evidence in all such cases is that of the victim herself. In Baptist in conviction for sexual offence almost entirely depend on the credibility of the woman, so far as the essential ingredients are concerned, the other evidence being merely corroborated. It is necessary that there should be independent corroboration of every material circumstance in the sense that the independent evidence in the case, apart from the testimony of the victim, should in itself be sufficient to sustain conviction.
- **27.** Coming to the present case, the victim, PW 5, Miss "X" stated that at the relevant time her parents was absent in their home and her

younger brother also went to school. The incident took place in the morning time. On the day of occurrence, accused came to their house to see the poultry. The accused asked her to open her pant and he also opened his pant making her naked took her on his lap. Her statement is corroborated with her statement u/s 164 CrPC and u/s 161 CrPC. Her statement is supported by PW 2 the complainant who is the mother of the victim. She stated that one Rishi Boro informed her that an incident took place in her house. She also told her that when she went to the house of her mother to bring rice at that time she heard shouting by her daughter in their house. At that time she saw accused Gejai Das came out from their house. When she asked her daughter, she told her that accused took her on his leg and removed her clothes and laid her down on a bed. The accused has also removed his pant and attempted to commit misdeed. Misdeed means attempt to rape. She also noticed one scratch mark on her cheek. Her daughter was also medically examined by a Doctor at Garubandha State Dispensary. Her daughter was also brought to the court for recording her statement u/s 164 of CrPC. PW 3, Smt. Rishi Boro stated that at the relevant time, she went to her mother's house to bring rice. During that time, she saw accused entered into the house of the informant and thereafter she heard screaming of the victim. Then, she raised alarm. Thereafter, accused fled away from the house of the informant.

Though, she has been exposed to long cross examined the evidence as to at the relevant time, she went to her mother's house to bring rice. During that time, she saw accused entered into the house of the informant and thereafter she heard screaming of the victim and also saw the accused fled away from the house of the informant has remained unchallenged.

28. It is interesting to note that the cross examination of the victim, she admitted that a quarrel took place in between the accused with her father for rearing the poultry and after the said quarrel this case was filed. But PW 2 the complainant has not been cross examined neither

any suggestion has been put to her that there is a quarrel took place for the rearing of poultry in between the accused and the complainant.

- 29. In the present case, at the time of examination of the victim some questions were put to her and she then replied the same without any hesitation and this Court has held that the victim has able to give rational answers. Thereafter, her statement was recorded without oath. Apart from that the other witnesses including the parents of the victim supported the evidence. Besides them the neighbour witness PW 3 Rishi Boro has also supported the evidence of the victim. Besides she has vividly described that at the time when she went to her mother's house to bring rice, she noticed accused entered into the house of the informant and after hearing screaming sound of the victim and while she came to see the accused fled away from the house of the informant.
- **30.** As stated above the prosecutrix herself admitted that a quarrel took place in between the accused with her father before filing this case for rearing of poultry but also appears that neither the prosecutrix nor any of the witnesses has been examined of any bitter enmity in between the accused and the complainant. There is no any evidence available for a quarrel for rearing of poultry led to enmity in between the family members of the accused and the victim. It is not explained as to why the victim of sexual assault would blame accused sparing real culprit. That apart, there appears no any reason that the complainant being the mother of the victim would put her minor daughter at stake by falsely pressing commission of penetrative sexual intercourse. Therefore, the statement of victim is found to be worthy of credence, convincing and reliable.
- **31.** In the present case, at the time of recording the statement of the accused u/s 313 CrPC all the incriminating evidence appears against the accused are duly put to him where he denied the evidence and allegation. He simply stated that the victim girl has got Rs. 10/- as he has purchased & consumed liquor from her so she asked him Rs 10/-.

He told her to make payment in the next day, then the said victim girl forcefully taken his seat cover of his bicycle and kept the seat cover under the clothes. When he searched the said seat cover the victim's pant was come down automatically as the string of the pant was very loose, he has committed no any misdeed to her.

32. In Munna Kr. Upadhaya @ Munna Upadhaya Vs. State of Andhra Pradesh reported in **2012 Crl.L.J. 3068,** the Hon'ble Apex Court pleased to held –

"Statement made by the accused u/s 313 Cr.P.C. serves a dual purpose. Firstly, to afford to the accused an opportunity to explain his conduct and secondly, to use denial of established facts as incriminating evidence against him if the accused given incorrect or false answers during the course of his statement u/s 313 Cr.P.C., the court draw an adverse inference against him"

In the instant case the absurd explanation as to his conduct and to deny the established fact by the accused can easily drawn an adverse inference against him.

and the complainant that at the time of incident the victim was 12 years of old. But the I/O has failed to collect any birth certificate or school certificate where the victim was last and first attended. Even the I/O failed to collect any certificate issued by local authority. It is a fact that the complainant being the mother of the victim supposed to know the age of her own daughter. But here in the present case, the victim has also stated about her age as 12 years while her statement was recorded u/s 164 CrPC. The only evidence available in record to know about the age of the victim at the time of alleged incident. According to PW 1, Dr Sarumai Saikia Bezbaruah the age of the victim is below 18 years. It was argued by the Ld. Counsel for the accused that while relying upon the Judgment of Hon"ble Supreme Court titled as Jai Mala Vs. Home

Secretary, Govt. of Jammu and Kashmir and others AIR 1982

SC 1297 wherein it has been observed by Hon"ble Supreme Court that margin of error in age ascertained by radiological examination two years on either side. Relying on the said Judgment learned counsel for the accused argued that if the margin of + 2 years is taken in that case, the age of the prosecutrix, certainly be below 20 years. Therefore, it cannot be said that she was minor on the date of the alleged incident. Hence, the case cannot come under section 8 of POCSO Act. But from the evidence of the prosecution witnesses it has ably proved that (i) there must have been or used of criminal force of woman, (ii) and such assault use of criminal force must have been made (a) with intention to outrage her modesty (b) with knowledge that her modesty was likely to be outrage. Under such circumstances, i am bound to hold that prosecution has ably proved the charge u/s 354 of IPC against the accused beyond any reasonable doubt, as such the accused is convicted for offence charge u/s 354 of IPC but he is acquitted from the charge u/s 8 of the POCSO Act.

- **34.** Heard the accused on the point of sentence where he praying for leniency on the ground he is the only bread earner of his family. Now, he is 45 years of age. He further stated that he has been in custody for more that about 11 months. Hence, praying for leniency.
- **35.** According to under section 354 of IPC.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
- **36.** Turning to the question of sentence, it is the settled law that while deciding the quantum of punishment, it is required that the Court should strike a balance between aggravating circumstances and mitigating circumstances. The aggravating circumstances relate to the crime and mitigating circumstances relate to the criminal. In this case, so far as the aggravating circumstances are concerned, a minor girl was

sexually exploited. The wound caused to the girl is not only to the body but also to the mind of the victim and to her family members, but considering the mitigating circumstances, the accused was hardly 45 years of age at the time of the incident. It is not brought to the notice of this Court that before this incident, the accused had committed any other offence there is likely to be his information. The statute u/s. 4 of POCSO Act prescribes minimum punishment for a term of seven years with fine. When the intention of the legislator is to impose stringent punishment for not less than seven years, this court has no option but to impose minimum punishment of seven years. Therefore, considering all aspects the accused is sentenced with an imprisonment for Rigorous Imprisonment for 10 (Ten) months.

ORDER

- **37.** I convict the accused Sri Gejai @ Bhaben Das u/s. 354 of IPC and sentence him to Rigorous Imprisonment for 10 (ten) months. The period, which he detained in custody, shall be set off from the period of imprisonment, imposed on him according to the procedure of 428 of Cr.P.C.
- **38.** As per provision of section 357 (A) of the Cr.P.C, the victim compensation is permissible in law. After going through the statement of witnesses, I think the victim is entitled to get the compensation. To mitigating the mental agony and trauma suffered by the victim, an amount of Rs. 20,000/- (Rupees twenty thousand) only is awarded as compensation.
- **39.** The Secretary, District Legal Aid Services Authority, Sonitpur, Tezpur be asked to give the compensation to the mother of the victim after proper enquiry.
- **40.** Let a copy of the Judgment be sent to the Secretary, District Legal Aid Services Authority, Sonitpur, Tezpur for necessary action.

- **41.** A copy of this judgment be furnished to the accused free of cost immediately.
- **42.** Let another copy of Judgment be sent to learned District Magistrate, Sonitpur, Tezpur, u/s 365 of Cr.P.C.
- **43.** Let the G.R Case No. 605/2014 be sent to Ld. committal Court along with a copy of Judgment.

Given under my Hand and Seal of this Court on this the 19th day of September, 2017.

(Ashok Kumar Borah)
SPECIAL JUDGE,
SONITPUR :: TEZPUR

Dictated and corrected by me

(Ashok Kumar Borah) SPECIAL JUDGE, SONITPUR :: TEZPUR

Dictation taken and transcribed by me:

Smt. R. Hazarika, Steno

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APPENDIX

Prosecution Witness

Prosecution Witness No.1 :- Dr. Sarumai Saikia Bezbaruah
 Prosecution Witness No.2 :- Smt. Manju Basumatary, Informant

3. Prosecution Witness No.3 :- Smt. Rishi Boro

4. Prosecution Witness No.4 :- Sri Satram Basumatary

5. Prosecution Witness No.5 :- Miss "X", Victim

6. Prosecution Witness No.6 :- SI Sokul Chandra Borah, I/O

7. Prosecution Witness No.7 :- Miss P. Shyam, Addl. C.J.M, Golaghat

EXHIBITS.

Exhibit 1 :- Medical report

Exhibit 2 :- Police Requisition

Exhibit 3 :- FIR

Exhibit 4 : Sketch Map

Exhibit 5 :- Forwarding Letter

Exhibit 6 :- Charge Sheet

Exhibit 7 :- Statement of the victim Miss "X"

U/s 164 CrPC

Exhibit 8 :- Order for recording statement of

Victim

Exhibit 9 :- Order of Ld. Magistrate Miss P.

Shyam,

Material Exhibit.

1. NIL

(Ashok Kumar Borah) SPECIAL JUDGE SONITPUR: TEZPUR

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