

IN THE COURT OF THE SPECIAL JUDGE

CHIRANG, KAJALGAON.

### Special (P) Case No. 2(Basu)/2019 U/S 8 of POCSO Act.

State of Assam Shri Bhaben Barman ..... Accused

:::::::

PRESENT:

Shri D.J. Mahanta, Special Judge, Chirang, Kajalgaon.

#### ADVOCATES APPEARED:

For the State

: Shri D. Das, Ld. Public Prosecutor

For the accused

: Shri M. Islam, Ld. Advocate

Date of evidence

: 27.02.19, 03.07.19,

20.07.19, 31.07.19

Date of Argument

: 05.09.2019

Date of Judgment

: 19.09.2019

#### <u>JUDGMENT</u>

- The prosecution case, in brief, is that on 11.11.2018, the 1. informant Sabitri Das lodged an FIR before O/C of Basugaon Police Station alleging that on 10.11.2018, at about 8.00 AM, when her 11 years old daughter Miss X' (name is withheld) went to the shop of accused Bhaben Barman for purchasing incense stick, the accused called her inside his shop and touched her breast and removing her panty, he tried to commit sexual intercourse with her. When her daughter raised hue and cry, the neighboring people came to the spot and seeing them, the accused released her daughter. Thereafter, her daughter reported the entire incident to the informant.
- After receiving the FIR, the O/C of Basugaon P.S. registered a 2. case being numbered as Basugaon P.S. Case No. 86/2018 U/S 376(2)(i)/511

IPC R/W Section 10 of POCSO Act and the concerned O/C entrusted himself as I.O. for investigation. Concerned I.O. during investigation arrested the accused, visited the place of occurrence, drew sketch map of the P.O., recorded the statement of the witnesses, sent the victim for medical examination, got recorded her statement u/s 164 Cr.P.C, collected the medical report and after completion of investigation, he submitted charge-sheet against the accused Bhaben Barman U/S 354 IPC R/W Section 12 of POCSO Act. After receiving charge sheet, copies of relevant documents were furnished to the accused person. Accused person was produced from jail. Though initially charge was framed U/S 12 of POCSO against the accused and same was read over and explained to the accused and latter denied to plead guilty but after argument it was revealed that actually the accused had committed offence punishable u/s 8 of the Act and earlier charge was not properly framed. So, charge was altered from section 12 to section 8 of POCSO Act. Accordingly formal charge was framed u/s 8 of POCSO Act and same was again read over and explained to the accused to which he denied to plead guilty. It was found that already defence thoroughly cross examined the witnesses regarding allegation of sexual assault. So in my view, accused was not prejudiced for alteration of charge and court proceeded to pronounce judgment accordingly. Accused person was released on bail after recording evidence of victim.

Special Judge Chirang, Kajalgaor  In support of the case prosecution side examined as many as 7 (seven) witnesses.

Following witnesses were examined:-

- (1) Victim Miss 'X' (name is withheld) as PW 1
- (2) Smt. Sabitri Das (Informant) as PW 2
- (3) Smt. Golapi Das as PW 3
- (4) Shri Mrinal Sarma as PW 4
- (5) Smt. Pinky Barman as PW 5
- (6) Dr. Kukumoni Basumatary (M.O.) as PW 6
- (7) Shri Harin Ch. Deka (I.O.) as PW 7

- 4. Statement of the victim U/S 164 Cr.P.C. was exhibited as Ext.1. Medical report was exhibited as Ext.2. FIR was exhibited as Ext. 3. Sketch map was exhibited as Ext.4 and charge-sheet was exhibited as Ext.5.
- 5. Defence plea is of total denial. Statement of accused person was recorded u/s 313 Cr.P.C. Defence adduced no evidence.
- 6. Heard argument from both sides. I have perused the entire evidence on record. I have also considered the statement of the accused recorded u/s 313 Cr.P.C. After that charge was altered from section 12 to section 8 of POCSO Act as offence was nothing but sexual assault.

## Now point for consideration:-

### For the offence U/S 8 of POCSO Act

1. Whether on 10.11.2018, at about 8 a.m., at village Bandeyaguri under Basugaon P.S., the accused committed sexual assault upon the victim Miss 'X' (name is withheld), minor daughter of the informant?

## **DISCUSSION, DECISION AND REASONS THEREFOR:-**

- 8. Now, I want to discuss and appreciate the prosecution evidence on record regarding above mentioned point.
- 9. PW 1 is the victim, who was examined without oath because her age is about 11 years. Her understanding capacity was testified through some questions and found that she was capable to give reasonable answer. After testifying her understanding capacity, this Court recorded her evidence. She stated that there was a shop of accused near their home and house of the accused is situated about 100 metre away from their home. The witness pointed out the distance from this Court to the road. Occurrence took place at 8 AM. At that time, she went to the shop of accused to purchase incense sticks. The accused handed over the incense sticks and after that he came out and grabbed her from backside upon her breast. She further stated that accused had asked her not to speak anything to anybody else and he asked

her to put off her panty. Immediately she reported the matter to the wife of the accused. She further reported the matter to the aunt of the accused. After that she returned to her home. The informant, her mother was absent because she went to outside in the morning to work. When she returned, the victim reported her about the incident. Her mother immediately rushed to the house of the accused and asked him about the alleged incident but latter denied the allegation. Immediately her mother lodged the FIR before police and she was examined by the doctor. After that she was taken to the Court for recording her statement. Said statement was exhibited by this witness as Ext.1. During cross-examination, learned defence counsel gave suggestion that on the date of occurrence she did not go to the shop of the accused to purchase incense sticks but said suggestion was denied. The defence denied the allegation leveled by the victim against the accused. Nothing was revealed during cross-examination regarding the veracity of the witness. Another suggestion given by the learned defence counsel during cross-examination of PW 1 is that prior to Puja, there was quarrel between informant and accused regarding purchase of some goods from the shop but said suggestion was denied by PW 1. After going through the entire cross-examination I have found nothing doubtful about the trustworthiness of the witness.

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The mother of the victim was examined as PW 2, who deposed 10. that victim is her daughter and occurrence took place about 3/4 months ago from the date of her deposition in the shop of accused at about 1 PM. At that time, the age of victim was 11 years and she was reading in Class-V. On the date of occurrence, she was working at Bhutiapara and at about 6 PM, when she returned to her home, she found her daughter, the victim weeping due to chest pain. When she asked about the reason of weeping, then the victim told her that when she (victim) was going to the shop of accused to purchase incense stick, the accused Bhaben Barman caught her breast from backside. He also threatened her daughter not to speak the incident to her. Victim also reported her that accused put off her pant. She went to the house of the accused and told him about the incident but the accused denied the fact and made quarrel with her for which she lodged the FIR. During cross, she deposed that she lodged the FIR as reported by her daughter. Occurrence took place on Thursday during Assamese month of 'Kati'.

- place on 11<sup>th</sup> day of Assamese month of 'Kati' Thursday of last year. On the date of occurrence, at about 9 a.m., the informant came to her home and told her that accused person caught the breast of her daughter but she does not know the actual time of occurrence. Her house is situated about 10 km away from the house of the informant and she came to the house of the informant along with her. When she reached the house of informant, she found the victim and when she asked her about the incident, the victim told that at about 8 AM, when she went to the shop of accused for purchasing incense stick, he caught her breast. She returned to her house at about 12.30 PM. At the time of occurrence, victim was 11 years. She was not interrogated by police. During cross-examination, she deposed that she did not witness the occurrence and as her house is situated about 10 km away for which she has no knowledge about the actual incident.
  - 12. PW 4 Mrinal Sarma deposed that occurrence took place on 10.11.18, at about 8 AM. At the time of occurrence, he was on road near the shop of the accused and saw that victim was weeping in front of the shop of the accused. Accused was also standing in front of his shop and when he asked the accused about the reason of weeping then he told that victim took a cake from his shop without his knowledge for which she rebuked her. According to accused, victim was weeping because he rebuked her. At that time, the age of the victim was 11 years. During cross-examination, he deposed that there were other persons who were standing in front of the shop of the accused and there was old dispute between the family of the accused and victim.
  - 13. PW 5 is Smt. Pinky Barman, who deposed that occurrence took place on 10.11.18, at about 8 AM. At the time of occurrence, when she was present in front of the shop of the accused, she saw that the victim took a cake from the shop of the accused as he was absent. She called the accused and he returned to his shop and rebuked the victim for which she started to cry and left the place. In reply to a question put to her by this court, she stated that accused did not commit any offence as alleged by the mother of the victim and there was previous enmity between the accused and the

mother of the victim. During cross, she deposed that this is a false case filed by the mother of the victim.

14. PW 6 is the Medial Officer, who examined the victim. She deposed that on 12.11.2018, she was working as Medical & Health Officer-1 at JSB Civil Hospital, Kajalgaon. On that day, at about 1.20 p.m., she examined Miss 'X' (name is withheld), aged about 11 years, D/O Late Sachin Das of village Bhadeyaguri, P.S. Basugaon in connection with Basugaon P.S. Case No. 36/18 U/S 376(2)(i) IPC R/W Section 10 of POCSO Act identified by WHG Daiboki Ray and Sabitri Das, mother of the victim.

There was history of sexual harassment on 11.11.18 at 8.00 a.m. in Bhadeyaguri.

On examination, she found the following:-

Physical examination:-

(i) Height -3 ft. 6 inch (ii) Weight -30 Kg, (iii) Chest girth (at nipple line) -26 cm, (iv) Abdomen girth (at Umbilicus) -23 cm, (v) Teeth -7/7, 7/7 = 28 Nos.

Scalp hairs - present.

Axillary hairs – absent.

Pubic hairs - absent.

Beards, mustaches and body hairs - absent. Breast not

developed.

History of puberty -

Menarche, Menstrual cycle and last menstrual period – Not

started.

Genital examination -

Genital organs and vulva - No abnormality detected.

Hymen - Intact, present.

Vagina, cervix uterus – No abnormality detected.

Evidence of venereal disease – absent. No injury marks seen

on her body and private part.

Vaginal smear examination – not done.

General mental condition -

Special Judge

- (a) Co-operation and behavior well oriented and conscious.
- (b) Intelligence and memory Intact (Normal).
- (c) Gait Normal.

Report of radiological examination vide No. 669 dated 21.11.18.

 $\hbox{X-ray} - \underline{\hbox{Right wrist}} - \hbox{All carpal bones including pisiform seen.}$  Epiphysis of lower end of radius and ulna are not fused. Epiphysis (base) of  $1^{\rm st}$  metacarpal is not fused.

<u>Right elbow joint</u> – All epiphysis of lower end of humerus are fused except humeral medial epicondyle. Epiphysis of radial head is not fused.

<u>Pelvis</u> – Epiphysis of femoral head and greater trochanter are not fused. Epiphysis of lesser trochanter is appeared but not fused. Epiphysis of iliac crests and ischeal tuberosities are not appeared.

As per radiological examination, the age of the individual is above 12 years and below 15 years.

According to the Medical Officer, as per radiological examination, age of the individual is above 12 years and below 15 years. No injury marks seen on body and private parts.

PW 7 is the I.O., who investigated the case. He deposed that

on 11.11.2018, he was serving as O/C Basugaon Police Station. On that day, at about 9.00 p.m., one Smt. Sabitri Das lodged and FIR stating that present accused Bhaben Barman had committed sexual assault to her minor daughter. After getting the FIR, he registered a case being numbered as Basugaon P.S. Case No. 86/2018 U/S 376(2)(i)/511 IPC R/W Section 10 of POCSO Act and entrusted himself for investigation. He recorded the statement of informant and victim at P.S. and on next day, he visited the place of occurrence, drew sketch map and sent the victim to JSB Civil Hospital, Kajalgaon for her examination and to the Court for recording her statement U/S 164 CrPC. The accused surrendered before the Police Station. He arrested him, recorded the statement of the independent witnesses at P.O. and in the residence of the victim. He recorded the statement of one Pinky Barman who was present at P.O. at the time of occurrence. He also examined two other independent

witnesses who immediately came to the P.O. at the time of incident, collected

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medical examination report and after completion of investigation submitted formal charge-sheet against the accused for the offence U/s 354 IPC R/W Section 12 of POCSO Act. During cross, he deposed that he visited the P.O. on 12.11.2018, at about 10.10 a.m. and recorded the statement of witnesses Pinky Barman, Anjali Barman and Mrinal Sarma at P.O. but they did not support the allegation made in the FIR by the informant. Pinky Barman is the eyewitness who was present at P.O. at the time of occurrence, but she did not support the case. Though independent witnesses did not support the case, but he filed the charge-sheet against the accused. He deposed that on the basis of statement of the victim, he submitted the charge-sheet.

After going through the entire evidence on record, it is found 16. that the victim reported the matter to the informant in the evening. Prior to that, she informed the matter to the wife and aunt of the accused only. In this regard, I have gone through the Ext.1, the statement of the victim recorded U/S 164 CrPC. Then she stated that after the incident, she shouted. When she shouted, one Lipika of nearby shop also shouted and asked her what was happened. Then she told her everything. Interestingly, Lipika was not examined. On the other hand, the I.O. examined PW 4 and PW 5, two independent witnesses, who deposed that actually alleged incident was not happened. On the other hand, they stated that the victim, without the consent of the accused, took a cake from his shop for which the latter rebuked her. As a result, she felt shame and lodged this false case. Interestingly, in the statement of PW 1 recorded u/s 164 Cr.P.C and her later statement before this court, it was not revealed that PW 4 and PW 5 were present at place of occurrence at relevant point of time. The I.O., in his cross-examination, stated that PW 4 and PW 5 were present and they did not support the alleged occurrence but how he knew about the presence of these two witnesses, was not revealed as because it was not stated by the victim that PW 4 and PW 5 were present when occurrence took place. So, how the I.O. got information regarding presence of these two witnesses is not revealed from entire evidence on record. The I.O. took the victim to the Court to record her statement U/S 164 CrPC where she stated that she told the matter to one Lipika of nearby shop. It was the duty of the I.O. to examine said Lipika but instead of examining her, the I.O. examined PW 4 and PW 5, whose presence

was not mentioned by the victim. On the other hand, PW 2 heard about the incident from the victim. PW 3 also heard about the incident from the victim. The concerned I.O. deposed before this Court that considering the statement of the victim, though independent witnesses failed to support the prosecution story, he submitted charge-sheet against the accused.

- 17. Learned defence counsel during the time of argument pointed out that the statement of the victim was not reliable and her statement regarding the incident was not corroborated by independent witnesses PW 4 and PW 5.
- 18. According to independent witnesses, accused rebuked the victim who took a cake without his consent but said fact was not put forward before the informant and victim by the defence during their cross-examination. This story came from the mouth of PW 4 and PW 5 only. So, this was nothing but afterthought story made by these two witnesses and I.O. also recorded their statements against the prosecution story. It was bounden duty of the Investigating Officer to prove the prosecution story and if it was not proved, he must have to submit Final Report against the accused. In present case at hand, instead of filing Final Report on the basis of evidence of independent witnesses, the I.O. submitted charge-sheet according to version of PW 1, the victim. In this case, the victim is the star witness and on the sole basis of her statement accused can be convicted, particularly in the case of sexual Assault defined U/S 7 of POCSO Act. Sexual Assault is such kind of offence which cannot be seen or felt by nearby person except the victim.

Sexual assault is defined U/S 7 of POCSO Act as follows:-

"7. Sexual Assault.— Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault."

20. After going through the Section 7, I have found that sexual assault is a wide term and it cannot be seen by any other person if the wrong doer touches the different parts of the body of the victim with bad intent.

Mere touching the parts of the victim with sexual intent is an offence U/S 7 of POCSO Act. So, corroboration from other witnesses is not relevant to convict a person U/S 8 of POCSO Act for committing sexual assault defined U/S 7 of POCSO Act.

- 21. Regarding the veracity of child witness, the defence side failed to establish any doubt. I have found that the victim did not state during her earlier statement U/S 164 CrPC that accused tried to put off her panty. This fact was made after the incident or she might forget the fact when her statement was recorded U/S 164 CrPC but touching or grabbing from the backside was remained as same which itself is sufficient to attract Section 7 of POCSO Act. Regarding admissibility of the evidence given by child witness, there are catena of judgments from Hon'ble Supreme Court. The gist of these judgments is that the evidence of child witness is admissible under Evidence Act. Only caution must be taken by the trial Court regarding truthfulness of the statement because child can be easily tutored by adult person.
- 22. Learned Public Prosecutor during the time of argument rightly pointed out that the evidence of child witness is admissible and submitted case laws in this regard. The prosecution side supplied the following case laws:-
  - (i) (1997) 1 ALD (Cri) 861(Dattu Ramrao Sakhare and Others Vs. State of Maharashtra)
  - (ii) AIR 2002 SC 16 (State of Maharashtra Vs. Bharat Fakira Dhiwar)
  - (iii) (2004) 1 ACR 703 (Ratansinh Dalsukhbhai Nayak Vs. State of Gujarat)
  - (iv) AIR 2008 SC 1460(Nivrutti Pandurang Kokate and Others Vs. State of Maharashtra)

23. In the case of **Dattu Ramrao Sakhare and Others Vs. State of Maharashtra**, reported in **(1997) 1 ALD (Cri) 861**, the Hon'ble Supreme Court held as follows:-

"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 u/s 118 of the 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 circumstances of each case. The only precautions 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 demeanour must be like any other competent witness and there is no likelihood of being tutored. There is no rule or practice that in every case the evidence of such a witness be corroborated before a conviction can be allowed to stand but, however as a rule of prudence the court always finds it desirable to have the corroboration to such evidence from other dependable evidence on record."

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24. In the case of **State of Maharashtra Vs. Bharat Fakira Dhiwar**, reported in **AIR 2002 SC 16**, the Hon'ble Supreme Court held as follows:-

"14. In the case of *Panchhi v. State of U.P.* reported in (1998) 7 SCC 77, it has been held that it cannot be said that the evidence of a child witness would always stand irretrievably stigmatized. It was held that it is not the law that if a witness is a child, his evidence shall be rejected, even if it is found reliable. It was held 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 other tell him and thus a child witness is an easy prey to tutoring. It is held that it is more a rule of practical wisdom than a law.

15. In the case Suryanarayana Vs. State of Karnataka, it has been held that the evidence of a child witness cannot be discarded only on the ground of her being of teen age. It is held that the fact of a child witness would require the Court to scrutinize the evidence with care and caution. It is held that if the evidence is shown to have stood the test of cross-examination and there is no infirmity in the evidence, then a conviction can be based upon such testimony along. It is held that corroboration of the testimony of a child witness is not a rule but a measure of caution and prudence. It is held that some discrepancies in the statement of a child witness cannot be made the basis for discarding the testimony. It is held that discrepancies in the deposition, if not in material particulars, would lend credence to the testimony of a child witness. It is held that while appreciating the evidence of the child witness, the courts are required to rule out the possibility of the child being tutored."

25. In the case of *Ratansinh Dalsukhbhai Nayak Vs. State of Gujarat*, reported in *(2004) 1 ACR 703*, the Hon'ble Supreme Court held as follows:-

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"6. Pivotal submission of the appellant is regarding acceptability of PW 11's evidence. Age of the witness during examination was taken to be about 10 years. Indian Evidence Act, 1872 (in short the 'Evidence Act') does not prescribe any particular age as a determinative factor to treat a witness to be a competent one. On the contrary, Section 118 of the Evidence Act envisages that all persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them or from giving rational answers to these questions, because of tender years, extreme old age, disease- whether of mind, or any other cause of the same kind. A child of tender age can be allowed to testify if he has intellectual capacity to understand questions and give rational answers thereto. This position was concisely stated by Brewer J in Wheeler v. United States 159 U.S. 523. The evidence of a child witness is not required to be rejected per se; but the Court as a rule of prudence considers such evidence with

close scrutiny and only on being convinced about the quality thereof and reliability can record conviction, based thereon. (See Surya Narayana v. State of Karnataka 2001 (1) Supreme 1.

7. In *Dattu Ramrao Sakhare and Others Vs. State of Maharashtra*, it was held as follows:

"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 u/s 118 of the 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 circumstances of each case. The only precautions 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 demeanour must be like any other competent witness and there is no likelihood of being tutored.

Special Judge Chirang, Kajalgaon 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. The decision of the trial court may, however, be disturbed by the higher Court if from what is preserved in the records, it; is clear his conclusion was erroneous. This precaution is necessary because child witnesses are amenable to tutoring and often live in a world of make beliefs. Though it is an established principle that child witnesses are dangerous witnesses as they are pliable and liable to be influenced easily, shake and moulded, but it is also an accepted norm that, 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 witness."

- 26. In *Nivrutti Pandurang Kokate and Others Vs. State of Maharashtra* reported in *AIR 2008 SC 1460*, Hon'ble Supreme Court reiterated the same thing.
- 27. After going through the entire evidence on record and cited case laws, I have found that in this case, the evidence given by minor victim is found to be reliable. From the medical evidence, it was found that the age of the victim was above 12 years but below 15 years. No any objection was raised in this regard from the side of defence. So, prosecution proved the case u/s 8 of POCSO Act against the accused beyond all reasonable doubt. The point mentioned above is remained as proved beyond all reasonable doubt. Accused is found guilty under the said Section of law.

#### ORDER

- 28. Prosecution proved the case U/S 8 of POCSO Act against the accused Bhaben Barman beyond all reasonable doubt. Accused is convicted under the said Section of law.
- I have found that this is a case under POCSO Act which was framed to protect children from sexual offences. So, in this regard, it is not possible for this Court to give benefit under Section 4/5 of Probation of Offenders Act or under Section 360 CrPC to the accused.
- 30. I have heard the accused and his engaged counsel on point of sentence. Hearing is recorded in separate sheet and kept with the case record.
- 31. The accused submits that he had already undergone in jail for a period of more than three months and he was the only bread earner of the family. So, he prayed for mercy of the Court.
- 32. Considering all aspects, I sentence the accused to undergo simple imprisonment for a period of 3 (three) years and he is further directed to pay a fine of Rs. 5,000/- (Rupees Five Thousand), in default, 2 (two) months S.I. for the offence U/S 8 of POCSO Act. The period of detention

already undergone during investigation and trial shall be set off from the sentenced period u/s 428 Cr.P.C.

- This is a fit case to give compensation to the victim. Therefore, I have recommended the case to District Legal Service Authority, Chirang to pay compensation to the victim u/s 33(8) of POCSO Act R/W Section 357A(2) Cr.P.C. Quantum of compensation will be decided by DLSA under Victim Compensation Scheme after summoning the family members of the victim and conducting thorough inquiry in this regard.
- A copy of this Judgment shall be furnished to the accused on free of cost. Another copy of this Judgment shall be given to the District Magistrate, Chirang and Secretary, D.L.S.A., Chirang for information and necessary action.

Given under my sign and seal of this Court on this the **19<sup>th</sup> day** of **September**, **2019**, at Kajalgaon, Chirang.

(D.J. Mahanta) 1919/19

Special Judge,

Chirang, Kajalgaon

Dictated and corrected by me,

(D.J. Mahanta) Special Judge,

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Chirang, Kajalgaon

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### APPENDIX

## **Prosecution witness:**

- PW 1 Victim Miss 'X' (name is withheld)
- PW 2 Smt. Sabitri Das (Informant)
- PW 3 Smt. Golapi Das
- PW 4 Shri Mrinal Sarma
- PW 5 Smt. Pinky Barman
- PW 6 Dr. Kukumoni Basumatary (M.O.)
- PW 7 Shri Harin Ch. Deka (I.O.)

## Exhibit (Prosecution):

- Ext-1 Statement of the victim U/S 164 Cr.P.C.
- Ext-2 Medical report
- Ext-3 FIR
- Ext-4 Sketch map
- Ext-5 Charge-sheet

# Material Exhibit (Prosecution):

Nil.

### **Defence Witness:**

Nil.

#### **Defence Exhibit:**

Nil.

(D.J. Mahanta) Special Judge, Special Judge, Chirang, Kajaigaon