IN THE COURT OF SPECIAL JUDGE :: KAMRUP :: AMINGAON

District: Kamrup, Amingaon

Present: Smti. B. Kshetry

Special Judge,

Kamrup, Amingaon

Special Sessions (POCSO) case No.30/2018

U/S- 4 of POCSO Act, 2012

State of Assam

-Versus-

Bhog Dainapali

s/o-Lt. Akanta Dainapali

Resident of vill -Chamaria Satra

P.S.-Boko

Dist- Kamrup, Assam

-----Accused

Appearance:

Mr. A.K. Baruah. Ld. Addl. Public Prosecutor -----for the State

Mr. H. Khakhlari, Ld. Advocate ------for the accused

Date of evidence: 01.10.2018, 03.10.2018, 04.10.2018, 31.10.2018,

26.11.2018, 28.03.2019, 24.04.2019

Date of Argument: 17.05.2019

Date of Judgment: 31.05.2019

JUDGMENT

- The Prosecution case, briefly narrating is that on 10.12.2017 the complainant – Sri Ajit Baishya lodged an ejahar alleging that on that day at about 11.30 a.m the accused person— Bhog Dainapali entered the house of the informant when the minor daughter of the informant was alone and had committed penetrative sexual assault upon her. Hence, this case.
- 2. On the basis of the said ejahar, Boko P.S Case No. 654/17 U/S- 4 of the POCSO Act, 2012 was registered. Investigation was conducted into the case and after completion of investigation, charge-sheet was submitted against the present accused person U/S- 4 of the POCSO Act, 2012.
- 3. The case was duly committed and this Court after hearing both the parties, framed charge U/S- 4 of the POCSO Act, 2012 against accused. The aforesaid charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
- 4. During the trial, the Prosecution side examined 8 (eight) witnesses including the victim girl. Statement of the accused person U/S-313 Cr. P.C is recorded. He denied committing the offence and declined to adduce evidence.

5. **POINT FOR DETERMINATION**

(I) Whether the accused person on 10.12.2017 at around 11.30 a.m committed penetrative sexual assault on the informant's minor daughter and, thereby, committed an offence punishable U/S-4 of the POCSO Act, 2012?

DISCUSSION, DECISION AND REASONS THEREOF

- 6. Perused the evidences on record. Heard Ld. Counsels for both the sides.
- 7. P.W.1, is the prosecutrix. She deposed in her evidence that the informant of this case is her father. She knows the accused person. She stated that the incident took place about a year ago at about 3 p.m. At that time she was 11 years old. She stated that at the relevant time, she was alone in the house. Her parents had gone out for work. The accused entered inside the house into the T.V. room. P.W.1 was in the kitchen then, the accused came to the kitchen and enquired about her mother. When P.W.1 told him that her mother had gone to her 'mama's' place, thereafter the accused pressed her mouth with his hand and pulled her by the hand and brought her to their T.V room. He threw her on the bed and he opened the his 'gamocha' tied around his waist and rubbed his penis on her body. As he was about to open her clothes, she resisted him and at that time her mother came home, then the accused on seeing her mother fled away. P.W.1 disclosed the incident to her mother. This witness further disclosed that before the incident, the accused used to call her but she refused to go there. Her father then lodged the ejahar against the accused person. After lodging of the case, police recorded her statement. Police sent her for her medical examination and brought her before the Magistrate for recording her statement. Ext.1 is her statement. Ext.1 (1 to 3) are her signatures. At that time, prosecutrix stated that she was aged about 11 years at the time of incident.

In her cross-Examination P.W.1 revealed that accused used to visit her house during the presence of her parents. He is their neighbour. She addresses the accsued as 'jetha' (Uncle). He works as a daily labour but he never came to work in her house. She do not know if the accused made a tea table for them. She denied the suggestion that her father lodged a false case against the accused as the accused was not paid money for making the tea table and on that relevant day, the accused had came to their house to collect the money.

8. Pw-2, Sri Ajit Baishya is the informant of this case. He deposed in his evidence that prosecutrix is his daughter. He knows the accused person. He stated that the incident occurred on 10.12.2017. His daughter was aged about 11 years old at the time of incident. P.W.2 stated that on the relevant day he had gone to

Guwahati for work. On returning home, at 5.00 p.m, his wife—Golapi Baishya told him that at the time of incident while she was outside of her house, victim was alone in the house and playing by herself, then the accused came and entered in the house and he opened his clothes and did some bad act with the victim. At that moment, P.W.3 entered the house and saw the accused catching and tying his 'gamocha' and running out of the house. Thereafter, P.W.2 lodged the ejahar. Ext.2 is the ejahar and Ext.2 (1) is his signature. Police recorded his statement. Police also seized one blue coloured skirt, which was worn by the prosecutrix at the time of incident. Ext.3 is the seizure list. Ext.3 (1) is her signature. Material Ext.1 is the blue coloured skirt, which was wearing by the victim at the relevant time of incident and which is seen by him in the court.

In his cross examination P.W.2 disclosed that ejahar was not written by him but it was read over to him. He heard the incident from his wife. He did not enquire about the incident from the victim. He put his signature in Ext.3 in the police station. Accused repaired their tea table and he had to give him the money for repairing the same which he did not give till the time of incident. He denied the suggestion that he gave a false case against he accused as he had to pay money for repairing the tea table.

9. Pw-3, Smti Golapi Baishya is the wife of the informant and mother of the prosecutrix. She deposed in her evidence that prosecutrix is her daughter. She knows the accused person. She stated that the incident occurred on 10.12.2017. Her daughter was aged about 11 years old at the time of incident. P.W.2 stated that on the relevant day she had gone outside of the house and the victim was alone in the house. P.W.2 further stated that on returning home, after 15 minutes, and was about to enter inside the house, she saw the accused running out from her house by tying his 'gamocha' round his waist and when she enquired, the accused did not stop and he fled away. She saw that her daughter was shivering with fear. On enquiry, prosecutiry told her that the accused came and entered in the house when she was alone and he pressed her mouth with his hand and threw her on the bed. He touched on various parts of her body and he rubbed his penis on her body and tried to commit rape upon her but she resisted him. P.W.3 further stated that the accused could not rape P.W.1 as she arrived at the spot. After the incident P.W.3 told the incident immediately to her brother-in-law—Biplov Baishya. Thereafter, her husband returned

home in the evening and told him about the incident and thereafter he lodged the ejahar. Police recorded her statement. Police also seized one blue coloured skirt, which was worn by the prosecutrix at the time of incident. Ext.3 is the seizure list. Ext.3 (2) is her signature. Material Ext.1 is the blue coloured skirt, which was wearing by the victim at the relevant time of incident and which is seen by him in the court.

In her cross examination P.W.3 disclosed that she put her signature in Ext.3 in the police station. P.W.3 denied the suggestion that they gave a false case against the accused as her husband had to pay money for repairing the tea table.

10. Pw-4, Smti. Rita Baishya has deposed in her evidence that informant of this case is her brother-in-law and prosecutrix is her niece. She knows the accused. The incident occurred about 6 months ago at about 11.30 a.m. Prosecutrix was about 12 years old at the time of incident. P.W.4 stated that she was in her house at about 11.30 a.m then Golapi Baishya (P.W.3) told her and her husband (Biplov Baishya) that during her absence from the house, the accused came to their house and touched the body of her minor daughter (prosecutrix). Thereafter, she accompanied the prosecutirx and her parents to the police station. There, in the police station she heard from the prosecutrix that when she was alone, the accused came and pressed her mouth and pushed her to the bed and raped her. Police recorded her statement.

In her cross examination P.W.4 disclosed that the house of the informant is adjacent to their house. She did not know the exact date of occurrence. Informant told her that the accused touched the various parts of the body of the prosecutrix. She did not enquire about the incident from the victim.

11. Pw-5, Sri Biplab Baishya has deposed in his evidence that informant is his elder brother. He knows the accused. The incident took place about a year ago. Victim is his niece. And she was 11 years old at the time of occurrence. P.W.5 stated that when he was doing some work in his backyard, then his sister-in-law called him and told him that the accused touched the body of the victim girl. He accompanied the informant to the police station. There he heard from the informant's wife—Golapi Baishya that the accused lifted the dress of the victim and tried to rape her. Police recorded his statement.

In his cross examination P.W.5 disclosed that informant and they are staying in different houses having common courtyard. He saw the accused coming to their house and leaving the courtyard also. He did not enquire about the incident from his niece.

12. P.W.6, Sri Sankar Ch. Rabha. He has deposed in his evidence that on 18.12.2017, he received a parcel through Director in connection with Boko P.S Case No. 654/2017 U/S-4 of the POCSO Act, 2012. The parcel was sealed with cloth cover in one cartoon box consisting of one exhibit. After opening the parcel, he found following articles:-

Description of article

1. One blue colour skirt contains stain of suspected semen marked as 'A'. My examination No. Sero-3902/A

Results of examination

Exhibit No. Sero-3902/A gave positive test for human semen.

Ext. 4 is my examination report. Ext. 4 (1) is his signature. Ext. 5 is the forwarding letter of the Director of Forensic Science, Assam to SP of Kamrup, Amingaon. Ext. 5 (1) is the signature of Director—Mr. Gajen Deka which is known to him.

In his cross examination P.W.6 disclosed that he has not stated in his report as to how old was the human semen from the date of examination. He has not seen the parcel (Exhibit No. Sero-3902/A) today in the court.

13. P.W.7, S/I Sri Mintu Boro is the investigating officer of this case. He has deposed in his evidence that on 10.12.2017, he was serving as i/c Samaria P.P under Boko P.S. On that day at 10 p.m after receiving an ejahar lodged by one Sri Ajit Baishya, he made a G.D.Entry being Samaria P.P No. 132/17, he forwarded the said ejahar to O/C, Boko P.S, for registering a case. Thereafter Boko P.S Case No. 654/2017 U/S-4 of POCSO Act, 2012 was registered and O/C, Boko P.S directed him to investigate the case. In the mean time, after making the G. D. Entry he recorded the statement of the informant—Sri Ajit Baishya in the police station. And P.W.7

visited the place of occurrence along with other staffs. He went in search of the accused—Bhogo Dainapali and found him in his house. He brought him to the Samaria P.P for interrogation. P.W.7 recorded the statement of the victim girl in the Police Station. He handed the accused to Boko P.S. Next morning, he arrested the accused and produced him before the Court. Thereafter, he again visited the place of occurrence and recorded the statement of other witnesses. He also prepared the sketch map.Ext.6 is the sketch-map and Ext. 6(1) is his signature. He send the victim for her medical examination and brought her to the Court for getting her statement recorded U/S-164 Cr. P.C before the Magistrate . He seized the skirt of the victim vide Ext.3 (seizure list) and Ext. 3 (3) is his signature. Material Ext. 'A' is seized cloth seen by me today. he collected the medical report. Thereafter, he completed the investigation and on finding sufficient materials against the accused, he submitted charge sheet against him U/S-4 of POCSO Act.. Ext.7 is the charge-sheet and Ext. 7 (1) is his signature.

In his cross examination P.W.7 disclosed that he seized the article in the police station as produced by the informant. The victim was not wearing the seized article at the time of seizure.

14. P.W.8, is the M/O, Dr. Oli Goswami. She has deposed in her evidence that on 11.12.2017 I was working as a PG on duty, Department of Forensic Medicine at GMCH. On that day, at around 2.20 p.m she examined one, Hiyamoni Baishya, female, 11 years of age brought in reference to BokoP.S case No. 654/17 U/S-4 of the POCSO Act, 2012. She was accompanied and identified by WHG PratimaRabha. The victim's mother alleged before her that the accused—Bhogo Dainapali had committed forceful sexual intercourse with her minor daughter.

On the physical examination of the victim found---

Her height—130 cm, weight—29 kg, chest girth—63 cm, abdominal girth—60 cm, total 25 teeth were present and all were permanent. Scalp hair-39 cm, black in colour. Axillary hair, Pubic hair— not yet present. Her breast—child like. Menarche—not yet attained.

On genital examination:-

Genital organs—well Developed, healthy, vulva—redness and tenderness present, Hymen –intact, redness and tenderness present, vagina—healthy, redness and tenderness present, Cervix—healthy, Uterus—not palpable per abdominally, evidence of venereal disease –not detected clinically, Vaginal swabs collected from—the introitus and around the hymen, injury on the body—not detected at the time of examination, her mental condition at the time of examination—anxious, behavior—Co-operative and Intelligence and Memory—average, gait—Normal.

Laboratory investigation:-

Vaginal smears does not show any presence of spermatozoa or gonococcus.

<u>Opinion:</u> On the basis of physical examination, radiological and laboratory investigations done, I opined that:-

- 1. No evidence of recent sexual intercourse found on her person.
- 2. Sign of local violence along with injuriesas described present on her private parts.
- 3. The age is above 10 years and below 14 years of age.

Ext.8 is the medical report. Ext. 8 (1 to 3) are her signatures.

- 15. I have carefully perused the evidence on record. Heard the arguments for both the sides. Learned Counsel for the accused submitted that other than the prosecutrix/victim, there are no eye witness to the incident. In contra, the Learned Additional Public Prosecutor submitted that the prosecution has able to prove the case beyond all reasonable doubt. As such, accused is required to be convicted under the charged section of law.
- 16. Now , the question comes Whether on the evidence adduced by the complainant and victim , the accused can be convicted ?
- 17. In this instant case, the accused is charged U/S-4 of the POCSO Act. To bring the charge under section 4 of the POCSO Act , prosecution must prove the ingredients mentioned in Section 3 of the POCSO Act.

Section 3 of the POCSO Act deals with penetrative sexual assault.

- **1. 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
 - (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 the body of the child or makes the child to do so with him or any other person; or
 - (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.
- 18. **Section 4 of the POCSO Act** deals with punishment for penetrative sexual assault. It reads as "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."
- 19. After hearing the rival contentions of the Learned Counsels of both sides, I have perused the entire case record including the evidences adduced by the prosecution witnesses. A perusal of Ext-2 suggests that pw-1 had lodged the ejahar against the accused with an allegation that the victim girl was raped by him. Prosecution has proved Ext-2(ejahar) and the informant was examined as PW-2. This witness stated that the accused had committed some bad act on his daughter/victim when she was alone in the house. The witness was cross-examined but nothing abnormal to the prosecution emerged. He denied the suggestion of the defence side that he gave a false case against the accused as he had to pay money to the accused for repairing the tea table. PW-1 is the victim girl , who was aged about 11 years at the time of deposition before the court. She is the star witness in this case. Her statement u/s 164 Crpc was recorded by the Magistrate. It is in the

evidence of the victim girl (Pw-1) before the court that on the date of occurrence at around 3.00 p.m, she was alone in the house and her parents had gone out for work. Then the accused entered her house and came into the T.V room. P.W.1 was in the kitchen. She stated that the accused entered the kitchen and enquired the whereabouts of her mother. When she told that her mother is not at home, then the accused pressed her mouth with his hand and pulled her by the hand and brought her to their T.V room. He threw her on the bed and he opened the 'gamocha' tied around his waist and rubbed his penis on her body. As he was about to open her clothes, P.W.1 resisted him and at that time her mother came home, then the accused on seeing her mother fled away. The statement of the victim girl does not show any kind of tutoring. In evaluation of her evidence, it clearly shows that the accused committed sexual assault on the victim (P.W.1). Her statement u/s 164 Cr.p.c was recorded by the Magistrate (Ext.1) where she clearly narrated the incident as stated in her evidence before the court. Thus, on analyzing her evidence before the court, her statement made before the Magistrate u/s 164 Crpc and her statement before the police u/s 161 Cr.p.c , she has remained intact and her statements are consistent with each other. Therefore, it is well proved from the evidence of pw-1 that at the time of incident, she was alone at her house and her parents were out of home and the accused committed sexual assault with her. Pws-2 and 4 (parents of the victim) made it clear in their evidences that they were not present in the house at the time of incident. Evidence of P.W.1 is fully corroborated by P.W.2 and P.W.3. The version of P.W.3 (victim's mother) is that on her returning home she saw the accused running out from her house by tying his 'gamocha' round his waist and he fled away. Evidence of P.W.3 reveals that P.W.1 (victim) told her that the accused came and entered the house when she was alone and he pressed her mouth with his hand and threw her on the bed. He touched the various parts of her body and he rubbed his penis on her body and attempted to commit rape upon her but she resisted him. P.W.3 further stated that the accused could not rape P.W.1 as she arrived at the spot. Thereafter, her husband returned home in the evening and told him about the incident. P.W.2 (husband of P.W.3) fully supported the evidence of P.W.1 and P.W.3. He made it clear that on returning home, P.W.3 told him that while she was outside of her house, victim was alone in the house and playing by herself, then the accused came and entered into their house and he opened his clothes and did some bad act with the victim. At that moment, P.W.3 entered the house and saw the accused catching and tying his 'gamocha' and running out of the house. Even witnesses—P.W.4 and P.W.5 disclosed that they heard from P.W.3 that during her absence from the house, the accused came and touched the body of the victim girl (P.W.1) and he tried to rape her. It further comes out from the cross-examination of P.W.5 that he saw the accused coming to their house and leaving the courtyard. He also made it clear that informant and they stay in different houses but they have a common courtyard. Undisputedly, the victim is a 'child' as defined in Section 2 (d) of POCSO Act.

- 20. It is well settled that the testimony of a victim in cases of sexual offences is vital and courts should find no difficulty to act on the testimony of the victim of a sexual assault alone to convict the accused.
- 21. It is the duty of the court to scrutinize the evidence regarding the actual occurrence with care and caution. Accordingly, the court has to appreciate the contents of the ejahar, and other attending facts and circumstances regarding the actual incident. In this instant case, the ejahar discloses the factum of rape and victim herself as well as her father and mother have given a corroborative evidence that the victim was sexually assaulted and rape attempt was made by the accused person. In this context, statement of the victim recorded u/s 164 Cr.p.c is also another corroborative piece of evidence which has clearly stated that the accused committed sexual assault upon her and, thereby, some sort of sexual activities had taken place between them. The statement of the victim girl does not show any kind of tutoring in evaluation of her evidence. So, there is no other conclusion other than the fact that the accused committed sexual assault upon the victim. Pw-2 has no motive to falsely implicate the accused. He has stated clearly in his evidence that on hearing the incident, he lodged the ejahar.
- 22. On scrutiny of the evidence of PW-1 (the victim of the case), PW-2 and Pw- 3, it appears that pw-1 and pw-3 heard the incident from the victim (pw-1) and she corroborated that she disclosed the incident to her parents and they have clearly stated before the court what they heard from the mouth of the victim and therefore, their evidence carried weight. There is no eye-witness to the occurrence as it is a case of sexual assault. So, the witnesses have fully supported and corroborated each other.

- 23. Therefore, there may not be recent sign of sexual intercourse but the evidence of the victim is consistent with her other statement (Ext-1). And, this does not go to show that no incident of sexual assault on the victim had taken place and her evidence is corroborated by the evidences of other pws. So, the testimony of the victim is found to be truthful and reliable. Her evidence is free from any doubt and inspires confidence. Defence during cross-examination of the pws defence failed to bring out any enmity or dispute in between the family members of the prosecutrix and the accused and that the accused has been falsely implicated in the case. So, the defence plea of that false allegation has been given against the accused is not acceptable at all. In this case, the contradictions pointed out are not so grave in nature that can prove fatal to the prosecution case.
- 24. However, in order to assess as to whether it was a case of penetrative sexual assault, the victim girl (P.W.1) has clearly stated in her evidence that the accused pressed her mouth with his hand and threw her on the bed. He touched on various parts of her body and he rubbed his penis on her body and tried to commit rape upon her. It is also clear from her evidence that though the accused was about to remove her clothes, but he could not commit penetrative sexual assault upon her as her mother (P.W.3) arrived there. Her testimony has not been challenged by the defence and as a result, that aspect of her evidence has not been demolished. The evidence of the victim is fully supported by other pws. From the evidence on record, it is clear that the accused did not commit penetrative sexual assault on the victim. So, Section 4 of the POCSO Act is not attracted in this instant case.
- 25. Having regards to the entire facts and circumstances of the case as well as evidences on record and from the discussions made above, it clearly shows that the accused had entered into the house of the prosecutrix and committed the offence of sexual assault upon her, which falls U/S-7 of the POCSO Act.
- 26. Section 8 of the POCSO Act deals with punishment for sexual assault. Now, **Sexual Assault** is defined **U/S 7 of POCSO Act** as "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."

- 27. **Section 222 (2) Cr. P.C** provides that—"When a person is charged with an offence and facts are proved which reduced it to a minor offence, he may be convicted of the minor offence, although he is not charged with it".
- 28. Here in the instant case it is well proved that the accused has committed the offence U/S-7 of the POCSO Act, 2012, which is punishable U/S-8 of the POCSO Act, 2012.
- 29. Now the question arises as to whether the accused did the act with sexual intent.
- 30. **Section 29 of the POCSO Act** provides that a Special Court shall presume that the accused had committed the offence of sexual assault unless contrary is proved. Evidence on record clearly pointed that accused committed sexual assault on the victim (P.W.1) by entering into the house when she was alone and he tried to rape herthe evidence of the victim is unimpeached and believable.
- 31. As per **Section 30 of POCSO Act** , the culpable mental state of the accused should be presumed .The section reads as follows –:
 - (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental State with respect to the act charged as an offence in that prosecution.
 - (2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.
- 32. In this instant case, the accused has miserably failed to rebut the presumption. Mere statement of denial does not inspire confidence of this court, in view of the clear and cogent statement of the victim girl, which remains undemolished that when she was alone in the house, the accused came and he

committed sexual assault on her. Section 29 of the POCSO Act draws presumption that if sexual assault is alleged by a minor unless it is rebutted by the accused, it is presumed that the accused had committed sexual assault on the minor as alleged. Sexual intent of the accused is well proved. The victim of this case in cogent manner stated that the accused committed sexual assault on her.

- 33. Therefore, it is concluded that the prosecution has successfully proved the offence u/s 8 of POCSO Act against the accused Bhog Dainapali beyond all reasonable doubt. The accused is held guilty of the offence under the aforesaid sections of law and he is convicted accordingly.
- 34. Considering the facts and circumstances of the case and the nature of the offence committed by the accused, he is not entitled to get the benefit of Probation of Offender Act or section 360 Cr.p.c.

35. **SENTENCE**

Heard the accused on the question of sentence. Also heard the Learned Defence Counsel as well as the learned Addl. Public Prosecutor. Accused has stated that he has not committed the offence and he has no earlier criminal antecedent. He submitted that he is a daily wage labour and he has a family to look after. He has pleaded leniency in awarding the punishment.

- 36. Considering the entire facts and circumstances of the case ,the nature of the offence and the mental injury suffered by the child victim, the accused –Bhog Dainapali is sentenced to undergo rigorous imprisonment for 3 (three) years and to pay a fine of Rs. 5,000/- (Rupees five thousand) only in default to undergo rigorous imprisonment for 6 (six) months, for the offence under section 8 of POCSO Act, which in my opinion ,will meet the ends of justice in this case.
- 37. The period of detention already undergone by the accused will be set off from the period of imprisonment.
- 38. Now, coming to the aspect of compensation to the victim, who is a minor girl. She has suffered mental agony. And she needs to be provided with restorative and compensatory justice. So, the Learned Secretary, District Legal Service Authority,

Kamrup, Amingaon is directed to assess and grant adequate compensation to the victim (P.W.1). The said compensation amount shall be used by the parents of the victim for her welfare.

- 39. The Judgment is delivered in open Court and written on separate sheets.
- 40. A free copy of the Judgment be furnished to the convict immediately. A copy of this order and Judgment be sent to the District Magistrate, Kamrup, Amingaon as per provision of law.

Given under my hand and seal of this Court on this 31^{st} day of May, 2019.

Special Judge, Kamrup, Amingaon

APPENDIX

Prosecution Witness:

P.W.1, is the prosecutrix

Pw-2, Sri Ajit Baishya

Pw-3, Smti Golapi Baishya

Pw-4, Smti. Rita Baishya

Pw-5, Sri Biplab Baishya

P.W.6, Sri Sankar Ch. Rabha.

P.W.7, S/I Sri Mintu Boro

P.W.8, is the M/O, Dr. Oli Goswami

Prosecution Exhibit

Ext.1 is the statement of the prosecutrix U/S-164 Cr. P.C

Ext.2 is the ejahar

Ext.3 is the seizure list

Ext. 4 is the examination report of P.W.6, Sri Sankar Ch. Rabha

Ext. 5 (1) is the signature of Director—Mr. Gajen Deka

Ext.6 is the sketch-map

Ext.7 is the charge-sheet

Ext.8 is the medical report.

Special Judge, Kamrup, Amingaon