IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR

SESSIONS CASE NO. :-44 of 2015

(Under Section 376 of the IPC, arising

out of G.R. Case No. 2228 of 2014)

Present :- Sri Ashok Kumar Borah, AJS

Sessions Judge, Sonitpur

Tezpur

Prosecutor :- State of Assam

-vs-

:- 1. Sri Moti Pator Accused

Son of Late Moida Pator

Resident of Borpam Tinali (Sootea),

Police Station - Sootea Dist: - Sonitpur, Assam.

Date of framing Charge :- 13/02/2015

Date of Recording Evidence :- 27/05/2015, 29/06/2015,

31/08/2015, 30/09/2015,

02/08/2016

Date of examination of accused u/s

313 Cr.P.C

:- 03/08/2016.

Date of Argument :- 29/08/2016 & 09/09/2016

Date of Judgment :- 14/09/2016.

Counsel for the Prosecution :- Mr. Hari Prasad Sedai

Public prosecutor

Sonitpur.

Counsel for Accused :- Mr. J. Borah, Advocate.

JUDGMENT

- 1. In this case accused Sri Moti Pator is put for trial for allegation of charge u/s 376 of the IPC.
- 2. The facts leading to institution of this case, according to the FIR, in brief is that on or about 8 a.m. of 09-09-2014, at village

Borpam Tinali under Sootea Police Station accused forcefully committed rape on the victim Miss "X" and threatened her at the point of dao stating that if she reported the matter to anyone, he will kill her. Hence, this prosecution case. Accordingly, an ejahar was filed by the victim before the Sootea Police Station on 09-09-2014.

- 3. On receipt of the aforementioned FIR, the O/C Sootea Police Station registered Sootea P.S. Case No. 113/14 u/s 376 of the IPC r/w section 8 of the POCSO Act. After completion of usual investigation, the O/C Sootea Police Station filed charge sheet vide charge sheet No. 74/14 dated 20-10/2014 u/s 376 of the IPC r/w section 8 of the POCSO Act against the accused Moti Pator.
- **4.** On being appeared the accused person before this Court, my learned predecessor-in-Court, after hearing both parties, framed charge u/s 376 of the IPC against the accused Moti Pator. Particulars of the charge were read over, explained to the accused to which he pleaded not guilty and claimed to be tried.
- **5.** To substantiate the case prosecution examined as many as seven numbers of witnesses. After completion of prosecution evidence, statement of the accused is recorded u/s 313 Cr.P.C. All the allegations made against the accused and the evidence appears against the accused are put before him for his explanation where he denied the allegation and declined to adduce defence evidence.
- **6.** I have also heard the argument put forward by the learned counsels of both sides.
- **7.** Learned counsel for the accused submitted that the prosecution has failed to prove the charge beyond any reasonable doubt hence the accused is deserved to get benefit of doubt.
- **8.** Per contra, learned Public prosecutor, Sonitpur, submitted that the prosecution has already proved all the ingredients of alleged

charge beyond all reasonable doubt as such required to be convicted under said charge.

- **9.** Keeping in mind the argument advanced by learned counsel for both parties, I am going to dispose of the case as follows.
- **10.** The point for decision in this case is that -

(1) "Whether the accused on or about 8 a.m. of 09-09-2014 at Borpam Tinali under Sootea Police Station committed rape upon the victim and thereby committed an offence punishable under section 376 of the IPC?

Reasons, Decisions and reason for decision.

- **11.** To arrive at the judicial decision, let me appreciate the evidence on record.
- 12. PW 1, the victim Miss X and informant of this case identified the accused in the court. He stated that the incident took place at about 8 months ago. At about 6 a.m. in the morning she went to Diplonga Division Bagan to attend the call of nature. After attending the call of nature, she saw the accused there. She thought that the accused was also going to attend the call of nature. Accused asked her about the phone number of Aiti Pator. She told that she do not have the phone number. Thereafter she proceeded towards her house, the accused also followed her. She asked the accused why he followed her. The accused asked her to go and thereafter the accused grabbed her mouth from the back side and put her down on the ground. She tried to shout but the accused grabbed her mouth and then the accused removed her clothes. She was wearing a shirt and a chemise and a skirt but she had not worn panty. After that she tried to run away but the accused caught hold her leg and again put her lying on the ground. Thereafter, the accused removed the chain of his Jeans Pant and committed sexual intercourse with her. The accused committed sexual intercourse with her for more than half an hours.

Her private parts bleeding profusely and the accused also grabbed her breast and tried to kiss her. Her right side of the neck was also injured due to nail marks of the accused. The accused also threatened her not to disclose the matter to anybody otherwise he will kill her. The accused asked her to go. When she reached home her private parts were bleeding. On her way to home she met Dipali Pator who is the sister of the accused. She asked her what happened. She was crying and told she told her nothing else. In her home she was crying so her sister Jayanti asked her what happened, she told her everything. Her father also asked her as to what happen, first time she did not tell him but while her father enquired more she told him everything. Thereafter she went to Gaonburah, who advised her father to lodge the case. Thereafter she went to Sootea Police station along with her father Bhagirathi, Goanburah Nabin Pator and her elder sister Jayanti Pator and her sister-in-law Anjana Pator. They requested one lady to write the ejahar. As per her instruction the FIR was written which was read over to her. She put her signature in the FIR (Ext.1) and Ext. 1(1) is her signature. Thereafter she was taken to Civil Hospital where she was medically examined. She was admitted in Civil Hospital for three days. She was also brought to the court for recording her statement. She was also sent to State Home at Nagaon for one day. She was again brought to the court and her statement was recorded by the Magistrate. Ext. 2 is her statement recorded by the Magistrate and 2(1) and 2(8) are her signatures. At the time of the incident, she was 13 years of age and she read upto class VI. About 4 years ago she left her school.

In cross-examination, she has been exposed to long cross-examination but except giving many suggestion, the evidence as to at the relevant time the accused appeared before her, after some conversation while she proceed to her home accused followed her and after some time accused suddenly grabbed her mouth from back side, put her down on the ground, while she tried to shout but the accused grabbed her mouth and then he removed her clothes. Then she tried

to ran away but the accused again caught hold her on her legs, put her down, removed the chain of his jeans pant and committed sexual intercourse with her for more than half an hour with her, as a result, her private parts bleeded profusely has remained unchallenged.

13. PW 2, Sri Bhagirathi Pator, the father of the victim, identified the accused and stated that about 8 months ago at about 2 p.m. When he came to his house, on being seen his daughter crying asked her, his daughter informed him that when she went to attend the nature call in the morning, the accused raped her. She was also bleeding. He informed the matter to his other daughter. Then he took his daughter to Gaonburah Nabin Pator and informed the matter. Then his daughter lodged ejahar in the Police Station. His daughter was also admitted in the hospital.

Though he has been exposed to long cross-examination, the evidence as to he has been reported by his daughter that when his daughter went to attend the call of nature in the morning, the accused raped her, has remained unchallenged.

about 9 months ago in the month of "Bhada". On the day of incident, at about 8 a.m. she saw the victim coming by crying and her clothes were torn. When she asked her she told her that while she went near the tea garden to attend the call of nature, the accused asked her about her mobile number, while she refused and then the accused committed sexual intercourse with her by laying her down in the nearby drain. Thereafter, she along with the victim went to the house of Gaonburha Nabin Pator and the victim told about the incident to Gaonburha. Thereafter they went to Sootea Police Station and the victim lodged the FIR.

In her long cross-examination, the evidence as to while she saw the victim was crying wearing torn cloths, on being asked, she stated that while she went to attend nature's call, accused asked her mobile number and while she refused then, the accused committed sexual intercourse with her by laying her down nearby a drain, has remained unchallenged.

15. PW 4 Sri Nabin Ch. Pator stated that he know the accused and the victim. He was the Goanburha of Bampam Tiniali village. On 09-09-2014 at about 8 a.m. Mini Pator and victim came to his house and informed him that when the victim went to attend the call of nature near Diplonga Bagan, the accused committed sexual intercourse forcefully with her. Thereafter he went to Sootea Police Station along with them and their father and the victim lodged the FIR.

In cross-examination he admitted that while the victim told him about the incident, his wife Gita Pator was also with him and victim went to his house wearing Churridar. He also noticed injury over the neck of the victim.

16. PW 5 Dr. Tutumoni Handique, the Medical Officer, has stated that on 09-09-2014 she was posted as Medical & Health Officer-1 in the Kanaklata Civil Hospital, Tezpur and on that day at about 7.20 p.m. in the labour room complex of KCH, she examined the victim, 13, years, female, D/O Bhagirath Pator of village Barpam Tiniali, PS-Sootea, in reference to Sootea PS case No. 113/14 u/s 376 of IPC r/w POCSO Act, on being escorted and identified by Woman PC 396 Sumitra Dutta, in presence of GNM Minati Barman. On examination she found the following:

History of sexual exposer – Exposure present. Recent history.

Menstrual history- regular. LMP – 15 days back.

Identification mark – Scar mark over left temporal region near left eye.

Height - 143 cm., Weight - 39 Kg, Teeth - 7 in all four quadrants. She was well dressed and average built. Secondary sexual characters are in developing stage. Bruise seen on right side of neck

(Reddish brown slightly edematous, tender). Vulva, vagina normal. No injury observed. Hymen absent. Bleeding present. Admitted in M & G Department, KCH, Tezpur with history of bleeding per vagina.

Investigations advised and reports-

- Vaginal smear for spermatozoa no sperm seen.
 Done at KCH Laboratory.
- USG of pelvic organs normal study. Done at Assam X-ray Clinic & Laboratory. Radiologist, Dr. P.K. Barman.
- X-ray for age determination Age of the person under investigation appears to be just above 18 years. Done at Assam X-ray Clinical & Laboratory by Radiologist – Dr. P. K. Barman. Patient ID AX 21730.
- 4. Urine for HCG no report available.

OPINION:

- 1. No injury observed in her private parts nor any internal injury observed.
 - 2. The victim is not pregnant.
 - 3. Age of the victim is above 18 years.
 - 4. Bruise over right side of neck.

Enclosure:

- Report of Vaginal smear.
- 2. X-ray report with plates.
- 3. USG report with plates

Ext. 3 is the Medical Report and Ext. 3(1) is her signature. Ext. 4 is the advice slip and Ext. 4(1) is her signature. Ext. 5 is the laboratory report of vaginal smear. Ext. 6 is the USG report with plates and Ext. 6 (1) is the signature of Dr. P.K. Barman, Radiologist, which is known to her. Ext. 7 is the X-ray report with plates and Ext. 7(1) is the signature of Dr. P.K. Barman, Radiologist, which is known to her.

PW 5 admitted in cross-examination that bruise seen on the right side of the neck may also be caused by getting injured by bamboo twig or other such materials.

17. PW 6 Sri Ramesh Pator stated that he knows the accused and the victim. The incident occurred less than one year ago. On the day of incident, in the morning, he came to know from Gaonburah that the accused committed rape on the victim. He accompanied the complainant and victim to the Police Station.

In cross-examination, PW 6 admitted that that Goanburah informed him over telephone about the incident.

18. PW 7 I.O. Sri Mohan Chandra Nath has deposed before the court that On 09-09-2014 he was posted at Sootea Police station as ASI and on that day, one victim filed an ejahar alleging that on 09-09-2014 at about 8 a.m. the accused forcefully sexually assaulted the informant and committed rape on her. The accused holding a dao and threatened the informant if she will inform the matter to others she will be killed. Accordingly, O/C Sootea PS Sri Homendra Hira, SI of police registered a case being Sootea PS Case No. 113/14 u/s 376 IPC read with section 8 of the POCSO Act and endorsed him for preliminary investigation of this case. Ext. 1 is the said FIR and Ext. 1(2) is the signature of the O/C Sri Homendra Hira, SI which is known to him.

During investigation, he has visited the place of occurrence, prepared the sketch map, recorded the statement of witnesses at the place of occurrence, sent the victim girl to the Doctor for medical examination, collected the report and then send the victim to learned Magistrate for recording the statement of the victim u/s 164 Cr.P.C. on 11-09-2014 and also collected the statement of the victim and the medical certificate. On 09-09-2014 he arrested the accused Moti Pator.

The place of occurrence is a drain located near a tea garden and also the house of the victim. Ext. 8 is the sketch map. After completion of his preliminary investigation he has filed charge sheet against the accused u/s 376 of the IPC read with section 8 of the POCSO Act. Ext. 9 is the charge sheet and Ext. 9(1) is his signature.

In cross-examination, the PW 7, I.O. has admitted that the ejahar was received on 09-09-2014 at about 6 p.m. At about 6.10 p.m. the O/C endorsed him to investigate the case and at about 6.30 p.m. he went to the place of occurrence.

- **19.** These much is the evidence of the prosecution case. The accused pleaded total denial while his statement was recorded u/s 313 of Cr.P.C. The accused is charged u/s 376 of the IPC. Before discussing the evidence, I would like to see what is the requirement to prove the charge u/s 376 of the IPC.
- **20.** To brought the charge under section 376 of the IPC, prosecution must prove that –
- "(i) that the accused had sexual intercourse with the woman in question;
- (ii) that the act was done under circumstances failing under any of the five descriptions specified in section 375;
- (iii) that such woman was not the wife of the accused; or, if she was his wife, she was under fifteen years of age;
 (iv) that there was penetration.
- **21.** A careful perusal of the whole case record including the evidence, it appears that the complainant, who is victim in the present case file the ejahar on that very day of the incident. Ld. Counsel for Accused submitted that the FIR does not disclose details of charge level against the accused. Hence, cast doubt to the occurrence.

It appears that the FIR filed by complainant bears no such details of outline of the prosecution case. It must be remembered that FIR is only and initiation to move the machinery to investigate in to cognizable offence. It has been held in **Baldev Singh Vs. State of Punjab** reported in **AIR 1996 SC 372** that-

"The FIR is not a substantive piece of evidence, it is only relevant in judging the veracity of prosecution case and the value to be attached to it depends on the facts of each case. On the essential of broad picture need to be stated in the FIR and all minutes details need

not be mentioned therein. It is not a verbatim summery of the prosecution case. It need not contain details of the occurrence as if were an 'Encyclopedia' of the occurrence. It may not be even necessary to catalogue the over acts therein. None mentioning of some facts or vague reference to some others are not fatal."

- **22.** Here in the present case, the FIR was filed by PW 3, who is herself a victim in this case. It is a fact that the occurrence was such a heinous, she might have been very emotional and in disturbs the set of mind that too the incident took place in about 8 o' clock in the morning. That apart, in the FIR and in the evidence of complainant clearly stated that accused threatened him to kill if she disclosed the matter to anyone. Under the aforesaid circumstances it is not expected like the complainant who herself is a victim in the case to state more detail outline of the case in the FIR.
- 23. Another point raised by Ld. Counsel for accused that the alleged incident had taken place on or about 8 p.m. of the said 09-09-14. Whereas, the police station is very nearer to the house of the complainant but complainant file the ejahar in the evening of that day. On that count Ld. Counsel for the accused raised doubt to the occurrence. It is true that the FIR file by complainant does not bear any explanation as to file it in late.

In **State Vs. Gurmit Singh** the Hon'ble apex court stated "The court cannot overlooked the fact that in sexual offence delay in lodging of the FIR can be due to variety of reasons particularly the reluctant of the prosecutrix or her family members to go to the police and complained about the incident which concerns the reputation of the prosecutrix and the honour of her family. It is only after giving it a cool thought that a complainant of sexual offence is generally lodged"

In the instant case the complainant herself victimized in the present case. So, she might have thing about the consequence of filing the FIR. Beside the FIR and the evidence is very clear that after the

occurrence accused threatened her to kill if she disclosed the matter. Therefore, there is a sufficient implied reasons for filing in the FIR in late.

24. Learned Counsel for accused submitted that according to doctor who examined the victim there is no sperm was seen on examination. Ld. Counsel for the accused again submitted that if the victim was really committed rape there must have been some sperm in the private parts of the victim. Hence, it has also raise doubt to the occurrence.

In this connection, I may mention a case law i.e **State of HP Vs. Gyan Chand**, reported in **AIR 2001 SC 2075** where the hon'ble apex court held that "the discovery of spermatozoa in the private part of the victim is not a must to establish penetration. There are several factors which may negative the presence of spermatozoa."

In the instant case it appears that the incident took place at morning at 8 am and the doctor has examined her at the 7.20 pm. i.e after about more than 11 hours. Besides, there is an admission of victim that after the incident she changed her stained skirt. It cannot be expected for any rape victim to remain without wash or bath for almost 12 hours of incident. Therefore, merely because no spermatozoa found in the private parts cannot be ground to reject the prosecution case.

25. Another point is to be discussed in the present case is that as raised by Ld. Counsel for accused that in statement u/s 164 Cr.P.C the victim stated that accused had committed rape on her at 6.30 a.m and she has been sexually tortured for one and half hours which is quite impossible for a human being. It is true that the victim stated in her statement U/s 164 Cr.P.C that she went to attend natures called about 6.30 a.m. Then, accused appeared before her asking her a telephone No. of somebody then she replied that she do not know the phone number of said person then the accused again followed her and then

victim asked accused why he followed her. Thereafter, accused asked her to proceeds. While she proceeds accused hugged her, fell her down in the garden then she raised alarm but no one has come. Then accused gagged her mouth, also threatened her to kill. Then accused forcefully put off her skirt though she attempted to flee away but accused again fell her down by holding her leg. Than accused committed rape on her. So, definitely sexual atrocities caused by accused for a period of sufficient time. In view of the positive evidence of complainant / victim it cannot be stated that prosecution story is impossible as submitted by Ld. Counsel for accused.

- **26.** Another point raised by Ld. Counsel for accused is that if the accused really committed rape by felling her down near the Tea plant of garden she might have sustained some injury but according to doctor's report there is no such injury found on the body of the victim. Besides, in a forceful rape there may have sustained some injury of the private parts of the victim but doctors report was silent as to any injury of the private part. Hence, raised doubt to the occurrence.
- 27. As discussed above the victim clearly admitted in her cross examination that after the incident blood oozing from her private parts and also stained skirt. However, she changed her clothes before going to P.S which is quite natural. She also felt pain on her breast as the accused grasp her breast with force. In statement u/s 164 Cr.P.C of the victim it is stated that accused had sexually tortured her in forcefully as a result there was profuse bleeding from her private part and the bleeding was in such a manner she told accused that she will die for such bleeding. In medical report, (Ext 3) it is stated that though there is no injury was found in private part but hymen was found absent and the bleeding was present. So, about the presence of bleeding even after one day of incident from the private part of the victim doctor's report is very positive. It is not that Ext- 3 is totally silent as to any injury upon the body of the victim. The doctor's clearly stated on examination he found 'bruise over the right side of the neck'.

Therefore, in view of the positive evidence of Doctor as to injury and bleedings from the private part of the victim doctor's report Ext- 3 is very positive. Therefore, the argument advance by learned counsel for accused that no injury found of the body or private part of the victim raised doubt to the occurrence has no force.

28. Another point is raised by Ld. Counsel for accused is that other than 'gaonburha' all the witnesses are close relatives of informant as such the veracity of their evidence are doubtful. It is true that other than official witnesses i.e. Doctor PW 5, I.O PW 7 and 'gaonburah' PW 4 all are relatives of the informant. In this connection I may mention a case law that is Mangal Singh Vs. State of Madhya Bharat AIR 1957 SC 199, where the Hon'ble apex court held that "the proposition that when the eye witnesses to the occurrence are interested persons there should be corroboration of their evidence by independent witnesses, cannot be of universal application."

It is true that there is no absolute rule that the evidence of the interested witnesses cannot be accepted without corroboration. In the instant case there is no any evidence that other independent persons were present or had seen the occurrence. That apart there is no evidence that they have any bitter enemity with the accused. So, there is no any reason to implicate the accused falsely involving their own daughter in such a heinous crime. Under such circumstances the evidence of aforesaid witnesses cannot be discarded merely on the ground that they are relatives of the informant.

29. Another point raised by Ld. Counsel for accused is that there were many persons resides in and around the place of occurrence. But prosecution has failed to examine any of the other person other than of the locality other then the family members of the informant hence, raised doubt to the occurrence.

Here in the present case in regard to non examination of other resident of the locality, there is no evidence that any of them was present at the time of occurrence and had witnesses the incident. Besides, there is no any evidence that the informant has reported the matter immediately after the incident to any of the other person other than PW 2, PW 3 and PW 4. It may be mentioned that the I.O, PW 7 admitted that there were no other house except the house of the accused near the house of the victim. Therefore, non examination of the person who could not give material evidence is not fatal to the prosecution case.

- 30. In the instant case, it appears neither prosecutrix nor the PW 2, father of the victim has been cross examined on any bitter enmity between the informant/ victim and the accused. PW 3, who is the sister of victim and also the cousin of accused stated that at the relevant time she saw the victim coming by crying and her clothes were torn. When she asked her she told her that while she went near the tea garden to attend the call of nature, accused asked her mobile number, while she refused then he committed sexual intercourse with her by laying her down in the nearby drain. Thereafter, she along with the victim went to the house of 'gaonburah' where victim told 'gaonburah' about the incident. PW 3 has been not been cross examined as to any enmity with the accused, she being the cousin of the accused as well as equally sister of the victim no reasons to give false evidence against her own cousin brother involving her sister in such a heinous allegation. Therefore, there is no any reason to disbelieve the evidence of PW 3.
- **31.** The incident took place inside the house of victim. There is no evidence that other then victim and accused some other was present in the house where incident took place. So, it would be futile to expect any independent outsider as a witness in the present case. But, whether with the aforesaid evidence of prosecution accused can be convicted u/s 376 of IPC.

The prosecutrix evidence clearly establishes the fact that victim while went out to nature's call in the tea garden side accused

asked her phone number while she denied to give Ph. No. accused hold her, fell her down, gagged her mouth, forcefully open her skirt, he also open her pant and sexually intercourse her as a result blood oozing from her private part. Then she raised alarm but none has come. While she returned to home she narrated whole story to her sister and also to her father. If an accused strips a minor girl naked and then making her flat forcefully on the ground undressed himself then forcefully committed sexual intercourse to a minor girl definitely he committed the offense of rape.

- **32.** It is well settled by a catena of decision of the Hon'ble apex court that there is no rule of law or practice that the evidence of the prosecutrix cannot be relied upon without corroboration and as such it had been led down that corroboration is not a sine-quona for a conviction in a rape. If the evidence of victim does not suffer from any infirmity and the probability factor does not render it unworthy of credence as a general rule there is no rule from insist of corroboration except from Medical evidence having regard to the circumstance to the case Medical evidence can be accepted to be forthcoming.
- was committed rape by the accused and after the incident blood oozing from her private parts, even after one day Doctor found blood was oozing from her private part. After the incident at home she narrated the whole incident by crying to her sister and her father and then she told the matter to the village 'gaonburah'. The doctors who examined her in the next day of incident found bruise injury on right side of the neck and bleeding in the vagina of the victim. Among the four numbers of opinions opined by the doctor and in No. 1 Opinion "No injury observed in her private parts nor any internal injury observed." The incident took place on 09-09-14 at about 8 o' clock in the morning and she was examined by the doctor on 7.20 pm of the said day i.e after about 12 hours. Anyway, doctor, PW 5 no way stated about the evidence of sexual intercourse of victim. Merely because the

doctor did not comment about any sexual intercourse of the victim cannot be discarded the convincing, reliable evidence of prosecutrix since her evidence is fully supported by other witnesses including her father and sister and the village head man and other circumstances.

- **34.** In considering the fact and the circumstances of the present case, the offence attempt to commit rape has been clearly established beyond all shadow of doubt. Hence, accused is held guilty for an offence of attempt to commit rape as such convicted u/s 376 / 511 of the IPC.
- **35.** Accused is heard on the point of sentence where he praying for leniency on the ground that (i) he is sole earning member of his family and (2) he is a married person having about one year son.

Coming to the present case, it appears the accused has attempted to commit rape a girl who is his one of the relatives. So, no leniency is deserved.

36. Having regards the commission of crime, and the circumstances leading to commission of crime, I sentence the accused with Rigorous Imprisonment for period of 3 (three) years and six months and a fine of Rs. 500/- (Rupees Five Hundred) only in default R.I for one month for offence u/s 376 /511 of IPC.

The period of detention of accused person, during investigation, enquiry or trial, if any be set of u/s 428 of the Cr.P.C.

Let a free copy of judgment and accused be served to the accused.

Let another copy of Judgment and order be sent to the Ld. District Magistrate, Sonitpur, Tezpur under the provisions of Sec. 365 Cr.P.C.

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37. Let another copy of Judgment be sent to the secretary District Legal Service Authority for necessary action as the victim is deserved

to get compensation as per victim compensation Act.

Let the G.R Case No. 2228/ 14 be sent to Ld. committal Court

along with a copy of Judgment.

Given under my Hand and Seal of this Court on this the 14th

day of September, 2016.

(A.K. Borah)
SESSIONS JUDGE,
SONITPUR: TEZPUR

Dictated and corrected by me

(A.K. Borah)
SESSIONS JUDGE,
SONITPUR :: TEZPUR

Dictation taken and transcribed by me:

Smt. R. Hazarika, Steno

APPENDIX

Prosecution Witness

1. Prosecution Witness No.1 :- Victim

2. Prosecution Witness No.3 :- Sri Bhagirathi Pator, father of the

victim.

Prosecution Witness No.3 : Smt. Mini Pator.
 Prosecution Witness No.4 :- Sri Nabin Ch. Pator

5. Prosecution Witness No.5 :- Dr. Tutumoni Handique, M.O.

6. Prosecution Witness No.6 :- Sri Ramesh Pator

7. Prosecution Witness No.7 :- Sri Mohan Chandra Nath, I.O.

EXHIBITS.

Exhibit 1 : FIR

Exhibit 2 : 164 Cr.P.C. statement of the victim.

Exhibit 3 : Medical report

Exhibit 4 : Advice slip

Exhibit 5,6 & 7 : Reports.

Exhibit 8 : Sketch map

Exhibit 9 : charge sheet.

(A.K. Borah)
SESSIONS JUDGE,
SONITPUR: TEZPUR