IN THE COURT OF SPECIAL JUDGE, SONITPUR AT TEZPUR

<u>SPECIAL (POCSO) CASE NO.</u> :- <u>18 OF 2015</u>

(Under Section 6 of the POCSO Act, arising out of G.R. Case No. 1021 of

2015)

Present :- Sri Ashok Kumar Borah, AJS

Special Judge, Sonitpur

Tezpur

Prosecutor :- State of Assam

-vs-

Accused :- Sri Bijay Karmakar

Son of Late Salem Karmakar Resident of Sessa kherbari line

Police Station – Tezpur, Dist:- Sonitpur, Assam

Date of framing Charge :- 19/08/2015

Date of Recording Evidence :- 26/11/2015, 01/08/2016,

03/08/2016 & 18/03/2017.

Date of examination of accused u/s

313 Cr.P.C

: 26/04/2017

Date of Argument :- 01/06/2017

Date of Judgment :- 13/06/2017

Counsel for the Prosecution :- Mr. Hari Prasad Sedai

Public prosecutor

Sonitpur.

Counsel for Accused :- Smt. Dulumoni Sinha, Advocate.

JUDGMENT

1. In this case accused Sri Bijay Karmakar is put for trial for allegation of charge under Section 6 of the POCSO Act, 2012.

2. The factual matrix according to the FIR in brief is that on 07-05-2015 in the morning accused enticing informant's minor daughter from the Rangapara Railway station. On the said night accused taken

informant's minor daughter to Naharbari Tea Estate and committed rape on her. Hence, this prosecution case. The ejahar was filed by informant Sri Bipul Deka before the O/C of Rangapara Police Station on 08-05-2015.

- **3.** On receipt of the ejahar, the O/C of Rangapara Police station registered a case being Rangapara PS Case No. 41/15 u/s 366-A/376(1) of IPC read with section 4 of Special POCSO Act, 2012. After completion of usual investigation, the O/C Rangapara Police Station sent up the accused for trial by filing charge sheet u/s 366-A/376(1) of IPC read with section 4 of Special POCSO Act, 2012 against the accused Sri Bijay Karmakar.
- **4.** On being produced the accused before this Court, after hearing both parties, my learned predecessor-in-court framed charge under section 6 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 guilty and claims to be tried.
- **5.** To substantiate the case prosecution examined seven numbers 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 and allegation and declined to give defence evidence.
- 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 07-05-2015, at night at Naharani Tea Estate under Rangapara Police Station, the accused committed penetrative sexual assault on the victim Miss X (8 years) and thereby committed an offence punishable under section 6 of the Protection of Child from Sexual Offences Act?

<u>Spl POCSO Case No. 18 of 2015</u>
Page 2

Reasons, Decisions and reason for decision.

- **8.** To arrive at the judicial decision, let me appreciate the evidence on record.
- 9. PW 1, Dr. Tutumoni Handique deposed that on 09-05-2015 she was posted as working as Medical & Health Officer-1 in the Kanaklata Civil Hospital, Tezpur and on that day at about 1.30 p.m. in the labour room complex of KCH, he examined Mamoni Deka, 8 years, female, D/O Bipul Deka of village Majbat Lamabari, Line No. 3, PS Majbat, Dist. Udalguri, in reference to Rangapara PS Case NO. 41/15 u/s 366 A/376(1) of IPC r/w Section 4 of the Special POCSO Act, 2012, on being escorted and identified by Woman Police Constable 610 Anju Moni Dutta vide Hospital registration No. 9283. She was examined in presence of GNM Benedicta K Langa. On examination she found the following:

Height – 116 cm., Weight – 18 Kg, Teeth – 6 in all four quadrants mixed denture. Average built, normal gait. Secondary sexual characters were not developed. Bruise seen in inner thigh. Hymen present. No other injuries seen.

Investigations advised and reports-

1.Vaginal smear for spermatozoa – no sperm. Done at KCH Laboratory, Lab No. 51/15.

2.X-ray for age determination – Age of the person under investigation appears to below 12 years. Done at Assam X-ray Clinical & Laboratory, Radiologist – Dr. P. K. Barman.

OPINION:

- 1. No sign and symptom suggestive of sexual intercourse.
- 2. Bruise seen on inner part of thigh.
- 3. Age of the victim is below 12 years.

Ext. 1 is the Medical Report and Ext. 1(1) is her signature. Ext. 2 is the advice slip and Ext. 2(1) is her signature. Ext. 3 is the police requisition received by her and Ext. 3(1) is her signature. Ext. 4 is the X-ray report with plates and Ext. 4 (1) is the signature of Dr. P.K. Barman, Radiologist, which is known to her. Ext. 5 is the Laboratory report.

In cross-examination, the doctor has admitted that the injury on the inner thigh caused to victim may be caused by any object.

10. PW 2 Sri Sambrata Barman has stated that on 08-05-2015, at about 5.30 p.m. he was on duty at Nahorani Tea Estate. At that time Jitendra was doing duty in the Bungalow of the Manager of the Tea Garden. At about 5.30 p.m., they saw an old man was going with a minor girl and the minor girl was crying. On seeing them the girl told them that the old man had done bad acts with her. The old man tried to escape however they apprehended him and later on the tea garden labourers informed about the incident to Senior Manager of Nahorani Tea Estate. The accused standing in the dock of the court today is the said old man. He did not know his name.

In cross- examination, he admitted that their camp is infront of the Bungalow on the other side of the road. On the southern side of the camp there are about 4 houses of the tea garden labourers. There is no road on back side of their camp. On the back side of the camp, there is tea garden. When the girl told them about the incident only three of them namely, myself, Jitendra and Sonaram were present.

11. PW 3 Sri Jiten Roy, stated before the court that he knows the accused. About 6 months ago, in the evening, he was on duty at Nahorani Tea Estate. At that time he saw an old man was going with a minor girl and the minor girl was crying. On seeing him, the girl told them that the old man had done bad acts with her. The old man tried to escape however they apprehended him and later on the tea garden labourers informed about the incident to Senior Manager of Nahorani Tea Estate. He did not know his name.

In cross- examination, he admitted that police took his statement. He also admitted that for the first time he has stated before the court that "I saw an old man was going with a minor girl and the minor girl was crying. On seeing me the girl told us that the old man had done bad acts with her. The old man tried to escape however we apprehended him and later on the tea garden labourers informed about the incident to Senior Manager of Nahorani Tea Estate."

12. PW 4 Sri Sonaram Saikia stated that he knows the accused. About 6 months ago, in the evening, he was on duty at Nahorani Tea Estate. At that time he saw the accused was going with a minor girl and the minor girl was crying. On seeing them the girl told them that the old man had done bad acts with her. The old man tried to escape however they apprehended him and later on they handed over the accused and the girl to the Manager of Nahorani Tea Estate. He does not know the name of the girl or the accused.

In cross-examination he admitted that the distance between their camp and labour quarters is about half furlong, but there are four houses near our camp. I did not know about the old man and the girl. He did not see the incident himself.

along with her father and mother were in Rangapara Railway station. On the said night a boy has assaulted her father. The accused took her from the railway station by giving her biscuit and took her outside the railway station towards a Tea estate. Inside the tea garden the accused put off her pant. Accused also put off his pant and inserted his penis into her private parts upon the blanket. Before doing that thing accused threatened her to cut her stomach, then the accused kept her under a tree. In the morning time, while she came to her parents, police recovered her. She identified the accused in the court that this is the person who has committed bad act to her. From the police station she

was taken to Tezpur Hospital through a woman constable. Her statement was recorded through the Magistrate. From the hospital she was taken to State Home.

Though she has been exposed to long cross-examination except giving many suggestion the evidence as to at the relevant time accused took her to a nearby garden from the railway station by giving her biscuit where accused removing her pant and his pant committed sexual intercourse with her upon a blanket has remained unchallenged.

14. PW 6 M. Sharma, learned Judicial Magistrate, stated that on 11-05-2015 she was working as Judicial Magistrate, 1st class, Tezpur and on that day victim was produced before her from Rangapara PS in connection with Rangapara PS case No. 41/15 u/s 376(1)/366(A) of the IPC r/w section 4 of POCSO Act for recording her statement u/s 164 Cr.P.C The victim was produced before the Incharge Magistrate on 09-05-2015 with a prayer that the statement of the victim u/s 164 Cr.P.C needs to be recorded. The victim was identified and brought by WPC 610 Anjumoni Dutta. Since the victim was a minor the Incharge Magistrate sent her to State Home at Nagaon for reflection period of two days. Accordingly, on 11-05-2015 again the victim was produced before her and after complying with the necessary formalities under the provisions of law, she recorded her statement u/s 164 Cr.P.C. Ext. 6 is the GR case No. 1021/15. Ext. 6(1) is the order passed by Incharge learned magistrate, Sonitpur, Tezpur Miss J. Borah. Ext. 6(2) is the signature of Incharge Magistrate J. Borah which is known to her. Ext. .6(3) is her order and Ext. 6(4) is her signature. Ext. 7 is the statement of the victim recorded by her and Ext. 7(1) is her signature.

In cross-examination she admitted that she recorded the statement of the victim. She was a student of class "Ka" standard. She has also admitted that from the statement of the victim it appears that she was a minor of 8 years old. But no certificate has been given as to she was a minor though she was a student of class "Ka" standard.

15. PW 7 Sri Lakhi Kanta Borah, SI of police stated against you that on 08-05-2015 he was posted as SI of police of Rangapara Police station and on that day O/C Rangapara PS Inspector Md. Azizur Rahman received an ejahar from one Bipul Deka. After registering a case he was entrusted to investigate the case. The O/C has registered the case vide Rangapara PS case No. 41/15u/s 366(A)/376(1) of the IPC r/w section 4 of the POCSO Act. Ext. 8 is the ejahar and Ext. 8(1) is the signature of the then O/C of Rangapara PS Inspector Md. Azizur Rahman. Complainant of this case was died. During investigation, he recorded the statement of the complainant and also recorded the statement of the victim. Next day, he went to the place of occurrence which is backside of the Manager's Bungalow of Naharani Tea Estate. He prepared the sketch map vide Ext. 9 and Ext. 9(1) is his signature. Then he sent the victim to hon'ble court for recording her statement u/s 164 Cr.P.C. On 09-05-2015 he arrested the accused and forwarded him to the court. On the said day, he sent the victim to KCH, Tezpur for treatment. After collecting the medical report and after completion of investigation, he filed the charge-sheet against the accused u/s 366(A)/376(1) IPC r/w section 4 of the Special POCSO Act. Ext. 10 is the chargesheet and Ext. 10(1) is his signature.

Though he has been exposed to long cross-examination but the evidence as to after due investigation he filed the chargesheet against the accused Bijay Karmakar u/s 366-A/376(1) of IPC read with section 4 of Special POCSO Act, 2012 has remained unchallenged.

- **16.** 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.
- **17.** I have heard the arguments put forwarded by learned counsel of both the parties.
- **18.** Learned counsel for the accused submitted that the prosecution has failed to prove the case beyond any reasonable doubt. Firstly, other than the victim none has stated about the alleged incident. But the

statement of the victim cannot be reliable because she has not made such statement to the I.O. what she stated in the court. Therefore, her statement is totally contradictory. Secondly, though the complainant who is the father of the victim was died but the prosecution has failed to examine even the mother of the victim. According to the victim just before the incident, she was sleeping with her father and mother at the Railway station and after her missing, the parents of the victim vigorously searched and then her father filed the ejahar. examination of mother of the victim is a major lacuna on the part of the prosecution. Thirdly, in the present case according to PW 3 (Jiten Roy) in the evening of the day of incident while he was on duty in the Bungalow of the Manager of the Tea garden, at about 5.30 p.m. they saw an old man was going with a minor girl while the minor girl was crying. On seeing him, the girl told them that the old man had done bad acts with her. On the other hand, PW 3 admitted that he has not made such statement before the I.O. while his statement was recorded u/s 161 Cr.P.C. Therefore, the statement cannot be relied on because that vital contradictions. Fourthly, if the minor girl is really raped by the accused then it is expected to receive injury on her person atleast in her private parts. Law is well settled that if the victim is unwilling to yield to sexual, she is expected to receive injuries on her person. The absence of injuries on the body of the prosecutrix, generally, gives rise to an inference that she was consenting party to coitus. Here in the present case, the doctor found no such injury on the private parts of the victim. There is no any instances of bleeding from the private parts though doctor found some bruise seen in the inner part of the thigh of the victim. But that may be caused by any object or a sudden falling on a substance. Besides, there is an admission of victim that while she was taken by the accused to the place of occurrence by walking she sustained hurt upon her leg. Therefore, the aforesaid bruise may be occurred due to said hurt. Fifthly, no doubt, the informant who is the father of the victim was died so it is not expected for the prosecution to examine him to prove the FIR. In the FIR the informant has put his

thumb impression as he was illiterate but the prosecution has failed to examine the scribe of the ejahar at least to prove the FIR. Sixthly, the I.O. has failed to seize any of the wearing apparels of the victim. The I.O. even failed to seize the alleged blanket upon which she was alleged to have been forcefully sexual intercourse by the accused. Seventhly, according to the FIR, the victim was enticing by accused at the morning time and she was committed rape in the Naharani Tea Estate. But, according to the victim on the night of the incident, her father was assaulted by some boys and accused took her in luring to give biscuit at the night then accused took her to a tea garden where she was committed rape upon a blanket. Therefore, the evidence as to time of taking and enticing the victim with a lure to give her biscuit is quite different in between FIR and statement of victim. Therefore, the evidence of victim as to taking her by the accused is quite contradictory to the FIR. Eighthly, according to the victim the accused was unknown to her. He was not even known to her parents. At the time of taking her, her parents was sleeping. But there is no any evidence that she raised protest or woke up her parents while accused attempted to take her. Lastly, the statement of the victim u/s 164 Cr.P.C. reveals that the victim made her statement voluntarily but learned magistrate no where certified that or mentioned that the victim made her statement voluntarily and the learned Magistrate could not able to obtain the signature of the victim as she was student of class "Ka" but that has not been stated neither in the statement nor in any order.

- **19.** Per contra, learned Public Prosecutor, Sonitpur, Tezpur submitted that the prosecution has ably proved the case beyond all shadow of doubt, as such, accused is required to be convicted under the charged section of law.
- **20.** To fortify the submissions, learned Public prosecutor has submitted the following case laws:-
 - (1) State of U.P. Vs. Krishna Master and Others reported in 2010 Crl.L.J. 3889,

- (2) Benu Namusudra Vs. State of U.P. reported in 2010 Crl.L.J. 781 and
- (3) Rajendra Dutta Zarekar Vs. State of Goa reported in 2008 Crl.L.J. 710.
- **21.** I have thoroughly perused the case laws cited by the learned Public prosecutor, Sonitpur, Tezpur.
- **22.** Keeping in mind the argument advanced by learned counsels of both sides, I am going to dispose of the case.
- **23.** A close scrutiny of the record, it appears that there is only one eye witness i.e. the victim PW 5.
- 24. The law is settled that the main evidence in all such cases is that of the victim herself. In practice a conviction for rape almost entirely depends on the credibility of the woman, so far as the essential ingredients are concerned, the other evidence being merely corroborative. It is not 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 complainant, should in itself be sufficient to sustain conviction. All that is required is that there must be some additional evidence rendering it probable that the story of the complainant is true and that is reasonable safe to act upon. The evidence, no doubt, should not only make it safe to believe that the crime was committed but must in some way reasonably connect or tend to connect the accused with the crime. Corroboration may be by facts and circumstances.
- **25.** Now, the question comes how far the evidence of the victim in the instant case is reliable and convincible to convict the accused.

Coming to the present case, according to the victim, the occurrence took place on or about two years ago. At night, she along with her father and mother were in Rangapara Railway station. On the said night a boy had assaulted her father. Then the accused took her with a lure to give her biscuit towards one garden of Rangapara.

Accused in the garden by opening his pant and her pant inserted his private parts into her private parts upon a blanket. Before the said incident, accused threatened her to assault on her stomach and kept her under a tree. In the morning time, accused took her with intent to hand over to her parents but police apprehended them. She identified the accused before this court.

Learned counsel for the accused submitted that though the victim vividly described the whole incident of committing penetrative sexual intercourse in the court but in her statement before the I.O. she did not state so. She simply stated that she along with her parents used to stay at Railway station for two days. On that day she was called by an old man with a lure to give her biscuit, took her to a garden and committed misdeed to her. She heard that the name of the said old man is Bijay. Therefore, there is a clear contradiction in the statement made by the victim in between u/s 161 Cr.P.C. and the statement made before the court. No doubt, the victim in her statement made u/s 164 Cr.P.C., clearly stated what she has stated in the Court.

- **26.** This is a case u/s 6 of the POCSO Act, so, the essence of charge of the case is penetrative sexual assault to the victim. Though the victim stated before the court about the penetrative sexual assault but she made no such statement before the Investigating Officer, therefore, the statement made before the court by the victim cannot be stated to be minor contradictions.
- 27. On the other hand, law is well settled that if the victim is unwilling to yield to sexual intercourse, she is expected to receive injuries on her parts. The absence of injuries on the body of the prosecutrix, generally, gives rise to an inference that she was consenting party to coitus. Where the prosecutrix had received multiple injuries on the various parts of her body it indicated that she offered resistance when she was subjected to sexual intercourse.

But here in the instant case, the statement of the victim is silent that she sustained any injury on her private parts. But, the doctor who examined the victim immediately after the incident opined that - (i) No

<u>Spl POCSO Case No. 18 of 2015</u>

sign and symptom suggestive of sexual intercourse, (ii) Bruise seen on inner part of thigh and (iii) Age of the victim is below 12 years. But according to the learned counsel for the accused as admitted by victim that while she was alleged to be taken by the accused to the place of occurrence on foot she sustained hurt in her leg. Therefore, the bruise seen in the inner thigh of the victim by the doctor cannot be ruled out that has occurred when she was taken by the accused on walk.

Learned counsel for the prosecution submitted that according to the PW 2 while he was on duty on or about 5.30 p.m. of 08-05-2015 at Naharani Tea Estate he along with one Jitendra saw an old man was going with a minor girl and the minor girl was crying. On seeing them, the girl told them that the old man had done bad acts with her. The old man tried to escape however, they apprehended him and later on the tea garden labourers informed about the incident to Sr. Manager of Nahorani Tea Estate. He recognized the accused before this court. But according to the charge the alleged incident took place at night of 07-05-2015. There is no any evidence that accused took the victim from the night of 07-05-2015 to 5 p.m. of 08-05-2015 i.e. about one day. Therefore, the minor girl seen by PW 2 with the accused may not be the victim of this case. That apart the victim herself stated that in the morning time accused took her with intent to hand over her to her parents then police apprehended. But nowhere she stated that Jiten Roy or any person apprehended the accused and she stated to them that accused committed misdeed to her at 5.30 p.m.

PW 3 Sri Jiten Roy stated that on or about 6 months ago in the evening he was on duty at Nahorani Tea Estate. At that time he saw an old man was going with a minor girl and the minor girl was crying. On seeing him, the girl told them that the old man had done bad acts with her. The old man tried to escape however they apprehended him and later on the tea garden labourers informed about the incident to Senior Manager of Nahorani Tea Estate. But he admitted in cross-examination that he has made such statement for the first time in the court.

Therefore, the aforesaid statement made by PW 3 is contradictory as because he did not made such statement in earlier.

Here in the present case, the another prosecution witness is PW 4 who stated that about six months ago in the evening he was on duty at Nahorani Tea Estate. At that time he saw the accused was going with a minor girl and the minor girl was crying. On seeing them the girl told them that the old man had done bad acts with her. The old man tried to escape however they apprehended him and later on they handed over the accused and the girl to the Manager of Nahorani Tea Estate. But the prosecution has categorically failed to adduce the said Manager of Nahorani Tea Estate to prove that he has taken custody of said old man (accused) with the girl. Besides that PW 4 could identify neither the accused nor the victim girl. Therefore, the statement of PW 4 cannot be used by the prosecution to convict the accused.

- **28.** Another point is to be discussed in the present case as raised by learned counsel for the accused is that according to the FIR, the accused has taken the victim from the Railway station in the morning of 07-05-2015 but according to the victim she was taken by the accused at night from the railway station. Therefore, the time of taking the victim by the accused is quite contradictory to the FIR.
- 29. In Boya Gangaram Vs. State of Andhra Pradesh reported in AIR 1976 SC 1541, it has been held that -

"minor contradictions are bound to appear when ignorant and illiterate women are giving evidence. Even in case of trained and educated persons, memory sometimes plays false and this would be much more so in case of ignorant and rustic women. It must also be remembered that the evidence given by a witness would very much depend upon his power of observation and it is possible that some aspects of an incident may be observed by one witness while they may not be witnesses by another though both are present at the scene of offence."

But mentioning of different time of taking the victim by the accused to commit the offence in between her statement and with the FIR cannot

be stated to be a minor contradiction as this is a case under section POCSO Act. As such, due to such difference of time of taking the victim to the place of occurrence by the accused in the statement of victim and in FIR, discredit the statement of the victim.

- **30.** The another point raised by the learned counsel for the accused is that according to the prosecution story at night of the day of incident, she was sleeping with the father and mother at the Rangapara Railway station. From Rangapara Railway station accused took the victim with a lure to give her biscuit. According to the victim, prior to the incident accused is not known to her. He is a stranger to her, but she raised no protest while accused alleged to have taken her. Besides, prosecution has failed to produce the mother of the victim. Here in the present case, the informant who is the father of the victim was died during the trial of the case but I.O. has failed to examine the mother of the victim. Even I.O. failed to explain why he did not record the statement of the mother of the minor girl. Non examination of the mother of the victim without assigning any reason is also a lacuna on the part of the prosecution.
- **31.** Another point as raised by learned counsel for the accused is that the I.O. has failed to seize the wearing apparels of the victim which was wearing by the victim at the relevant point of time. That apart, the I.O. has failed to seize the blanket upon which the accused alleged to be committed penetrative sexual assault to the victim. If the I.O. has collected or seized the wearing apparels of the victim or the blanket upon which the accused alleged to have been committed penetrative sexual assault to the victim, prosecution case would be more stronger but I.O. has failed to do so.
- **32.** In view of the aforesaid reasons, the only statement of the victim cannot be stated to be an unambiguous, reliable, convincing or sufficient to convict the accused.

- **33.** As discussed herein before, the solitary evidence of the prosecutrix did not appear to be cogent and reliable, therefore, the accused is entitled to get the benefit of doubt.
- **34.** On careful perusal of the whole case record and as details discussed hereinbefore, I am bound to hold that the prosecution has categorically failed to prove the alleged charge against the accused beyond any reasonable doubt. Hence, the accused Sri Bijay Karmakar is acquitted on benefit of doubt and set him at liberty forthwith.
- **35.** The liabilities of the bailor is hereby discharged.
- 36. Regarding compensation to the victim, the Hon'ble Supreme Court in the case of Laxmi Kant Pandey - Vs- Union of India, (1984) 2 SCC 244 held that the child is a soul with a bearing, a nature and capacities of its own, who must be helped to find them, to grow into their maturity, into fullness of physical and vital energy and the utmost breath, depth and height of its emotional intellectual and spiritual being, otherwise there cannot be a healthy growth of the nation. Now obviously children need special protection because of their tender age and physique, mental immaturity and incapacity to look after themselves. That is why there is a growing realization in every part of the globe that children must be brought up in an atmosphere of love and affection and under the tender care and attention of parents so that they may be able to attain full emotional, intellectual and spiritual stability and maturity and acquire self-confidence and self-respect and a balance view of life with full appreciation and realization of the role which they have to play in the nation building process without which the nation cannot develop and attain real prosperity because a large segment of the society would then be left out of the developmental process. To compensate the trauma faced by the victim in this case, I think an amount of Rs. 50,000/- is allowed as a victim compensation to the victim of this case. I hereby direct learned Secretary, District Legal Aid Services Authority, Sonitpur, Tezpur, to grant compensation to the tune of Rs. 50,000/- (Rupees Fifty thousand) only to the victim. The

said amount shall be used for her welfare and rehabilitation, under the supervision of Social Welfare.

Send a copy of this Judgment to Secretary, District Legal Aid Services Authority, Sonitpur, Tezpur.

- **37.** Let the G.R Case No. 1021/15 be sent to Ld. committal Court along with a copy of this Judgment.
- **38.** Given under my Hand and Seal of this Court on this the 13th day of June, 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

<u>Spl POCSO Case No. 18 of 2015</u>
Page 16

APPENDIX

Prosecution Witness

Prosecution Witness No.1 :- Dr. Tutumoni Handique, MO
 Prosecution Witness No.2 :- Sri Sambrata Barman.

3. Prosecution Witness No.3 :- Sri Jiten Roy.
4. Prosecution Witness No.4 :- Sri Jonaram Saikia.

5. Prosecution Witness No.5 :- Victim.

6. Prosecution Witness No.6 :- Smt.M. Sharma, Judicial Magistrate.

7. Prosecution Witness No.7 :- Sri Lakhi Kanta Bora, I.O.

EXHIBITS.

Exhibit 1 :- Medical report,

Exhibit 2 :- advice slip

Exhibit 3 :- police requisition.

Exhibit 4 :- X-ray report with plates.

Exhibit 5 :- Laboratory report.

Exhibit 6 :- GR Case record 1021/15.

Exhibit 7 :- statement of the victim u/s 164

Cr.P.C

Exhibit 8 :- Ejahar

Exhibit 9 :- sketch map

Exhibit 10 :- Chargesheet.

(Ashok Kumar Borah)
SPECIAL JUDGE
SONITPUR: TEZPUR

<u>Spl POCSO Case No. 18 of 2015</u>
Page 17