HEADING OF JUDGEMENT IN SPECIAL CASES:

DISTRICT: DHUBRI.

IN THE COURT OF SPECIAL JUDGE: DHUBRI.

SPECIAL CASE NO: 24/2016
UNDER SECTIONS: 448/363 IPC
READ WITH SECTIOM 8 OF THE POCSO ACT.

STATE OF ASSAM VS. NAZRUL HOQUE

PRESENT:- DIPAK THAKURIA,

SPECIAL JUDGE,

DHUBRI.

APPEARANCES:-

B. R. BASUMATARI, SPECIAL P. P. FOR THE STATE. E. AHMED, LEGAL AID COUNSEL FOR THE ACCUSED.

DATE(S) OF EVIDENCE:- 11-04-2017, 02-06-2018, 28-06-2018, 08-08-2018, 21-08-2018.

DATE OF ARGUMENT:- 19-12-2018.

DATE OF JUDGMENT :- 02-01-2019.

<u>J U D G E M E N T</u>

- **1.** Accused Nazrul Hoque stands trial for the offences punishable under sections 448/363 IPC read with section 8 of the POCSO Act.
- 2. The facts of the case, as revealed from the ejahar, in brief, are as follows:- that on 08-02-2015 at about 4.30 p.m. at village Kamalarjhar under Golokganj police station while the prosecutrix was binding bidi in her residence then the accused entered into her

house, grabbed her from her back and attempted to commit rape on her.

- **3.** On the 14-04-2015 the prosecutrix lodged a written ejahar before the Officer-in-charge of Golokganj police station where a case as Golokganj p. S. Case No. 231/2015 under sections 143/120-B/448/376/511 IPC read with section 8 of POCSO Act was registered.
- 4. The investigating officer arrested the accused, produced him before the Court and the Court remanded him to judicial custody, recorded the statements of witnesses under section 161 Cr. P. C. and statement of the victim was also recorded under section 164 Cr. P. C. By completing the investigation I. O. has submitted charge sheet against the accused person to prosecute him under sections 448/376/511 IPC read with section 8 of POCSO Act.
- **5.** During investigation the accused was granted bail.
- **6.** After filing the charge sheet cognizance of the case was taken and Court process was issued. Accused had appeared and he was allowed to remain on previous bail. Copies were furnished to the accused and after hearing both the parties and perusal the case record and case diary formal charges against the accused under sections 448/363 IPC read with section 8 of POCSO Act were framed by my learned predecessor. Charges so framed were read over and explained to the accused which he pleaded not guilty and claimed to be tried.
- **7.** During trial the accused was defaulted. Court processes were issued and accused was produced after arrest and he was taken into judicial custody and remanded him to hajot. Learned advocate E. Ahmed engaged as legal-aid-counsel to defend the accused.
- **8.** The prosecution examined eleven witnesses including investigating officers and closed the evidence.
- **9.** After completion of the prosecution evidence, the statement of the accused was recorded u/s 313 Cr. P. C. by putting questions to him from all incriminating evidence appearing against him on record and thereby giving him an opportunity to meet the same. In response to which, the accused denied the allegations as well as evidence on record and also declined to adduce evidence in defence .

10. Heard learned counsels appearing for the parties and perused the evidence on record.

FOLLOWING POINTS HAVE BEEN SET UP FOR DETERMINATION

Whether the accused on 08-02-2015 at about 4.30 p.m. at village Kamalajhar under Golokganj police station committed house trespass by entering into the house of the prosecutrix and thereby accused is liable to be punished under section 448 IPC?

Whether the accused on the same day time and place kidnapped the prosecutrix from her lawful guardianship and thereby accused is liable to be punished under section 363 IPC?

Whether the accused on the same day time and place sexually assaulted the prosecutrix and thereby accused is liable to be punished under section 8 of the POCSO Act?

DISCUSSIONS ON THE POINTS FOR DETERMINATION AND THE DECISION ARRIVED THEREON WITH REASON:

- **11.**In order to establish the charges against the accused, the prosecution has examined eleven witnesses. Among them P. W. 2 is the prosecutrix. P. W. 1 is the sister-in-law of the prosecutrix. P. W. 5 and P. W. 6 are the parents of the prosecutrix. P. W. 3 Arjina Bibi, P. W. 4 Rohimuddin, P. W. 7 Jamser Ali, P. W. 8 Asma Bibi, P. W. 9 Sahadat Ali and P. W. 10 Aminur Ali are independent witnesses. P. W. 11 Pritam Das is the investigating officer.
- **12.**The prosecution exhibited the Ejahar as Ext. 1, statement of the prosecutrix recorded by Judicial Magistrate under section 164 Cr. P. C. as Ext. 2, seizure list as Ext. 3, sketch map of place of occurrence as Ext. 4 and charge sheet as Ext. 5.
- **13.** The defence examined none. Plea of the defence is total denial of the case.
- **14.**Learned Special Public Prosecutor B. Basumatary has submitted that the allegations against the accused that he committed sexual assault to the victim by entering into her house on the day of the incident and he had kidnapped her to his house are established by the prosecution by examining cogent and reliable evidence. The victim girl herself filed the ejahar and her statement recorded by the Judicial Magistrate is found

consistent and reliable. Her parents have also supported the case of the prosecution. The other independent witnesses have also supported the case of the prosecution. The prosecution is able to establish the charges against the accused beyond all reasonable doubt. So, has prayed to hold the accused guilty under framed charges and impose adequate punishment to him.

- **15.** On the other hand learned legal-aid-counsel Mr. E. Ahmed has submitted that the accused was the victim of circumstances. He committed no offence; but he was booked as he had land dispute with the father of the alleged victim. The allegations are false and fabricated as the ejahar was lodged after two months of the alleged incident. Besides it, the contents of the ejahar do not tally with the oral testimonies of the alleged victim. The independent witnesses have not supported the story of the prosecution. The prosecution has failed to establish the charges against the accused beyond all reasonable doubts. So, the accused deserves benefit of doubt. Hence, has prayed to acquit the accused.
- **16.**Before we proceed, let us reproduce the material parts of the witnesses examined by the prosecution during trial.
 - P. W. 1, is the sister-in-law of the prosecutrix. She has deposed that on the day of the incident while she was preparing bidi in the house of Arjina Khatun with the prosecutrix, one Kasema then the accused entered into the house of Arjina and forcibly took away the prosecutrix. In cross-examination she has deposed that she forgot the date of the occurrence. About five hundred persons gathered at the place of occurrence. They did not raise alarm. After three months of the incident police recorded her statement. She denied the suggestion of the defence that she did not disclose before the I. O. that on the day of incident she was preparing bidi in the house of Arjina Khatun with the prosecutrix, Kasema and Arjina.
 - **16.2** P. W. 2 is the prosecutrix. She has deposed that on the day of the incident while she, along with Arjina, P. W. 1 and Kasema were manufacturing bidi in front of her house then the accused coming from behind gagged her by means of a gamocha and took her to his house. The accused tore out her clothes and attempted to commit rape on her. Then somehow she was able to remove her gamocha from her mouth and shouted for help. Then villagers came to the house of the accused and then the accused fled away. She lodged the ejahar (Ext. 1). Ext. 1 (1) is her signature. Her statement was

recorded by Judicial Magistrate. Ext. 2 is her statement and Ext. 2 (1) and (2) are her signatures. In cross-examination she has deposed that as accused did not accept the decision of the village meeting; so, she filed the ejahar. She could not say who wrote the ejahar. The ejahar was not read over to her. Police recorded her statement after seven days of filing the ejahar. She has denied the suggestion of the defence that she did not disclose before I. O. that accused gagged her by means of a gamocha and took her away. In the FIR it is not mentioned that accused gagged her by means of a gamocha and took her away. Police seized her clothes. She forgets the date of occurrence.

- 16.3 P. W. 3 Arjina Bibi has deposed that about two and half years back one day she along with the prosecutrix and P. W. 1 was manufacturing Bidi in front of her house. In the meantime the accused came to the spot and by force took the prosecutrix to his house. She could not say what happened in the house of the accused. In cross-examination she has deposed that she could not say the date of the incident. After the occurrence several persons came to the place of occurrence. Her statement was not recorded by police. She did not tell to police that while she with prosecutrix and P. W. 1 was manufacturing bidi then the accused came to the spot and by force had taken the prosecutrix to his home. They did not get chance to prevent the accused.
- 16.4 P. W. 4 Rohimuddin Sheikh has deposed that about two years back one day father of the prosecutrix lodged a complaint in their village about taking away his daughter by the accused. He was present in the village bichar. As the accused refused to accept the verdict of village bichar, they advised the father of the prosecutrix to file case. In cross-examination he has deposed that he did not see the incident. Police did not record his statement. He has denied the suggestion of the defence that no village bichar was held and he has deposed falsely.
- **16.5** P. W. 5 is the father of the prosecutrix. His deposition in the Court was recorded on 2nd June 2018. He has deposed that on that day his daughter (prosecutrix) was 21 years old. Accused is his neighbor. About two and half years back he was at his residence. At that time he was suffering from various ailments. His daughter was manufacturing bidi in his house. At about 4.30 p.m. the accused entered into his house, gagged the mouth of his daughter and dragged her to his house which is 100 feet away from his house. As he was sick; so, he could not resist the accused but raised alarm.

Subsequently the villagers rescued his daughter from the house of the accused. In cross-examination he has admitted that his house and the house of the accused are in same compound. He has denied the suggestion of the defence that he is illegally occupying the land of the accused. He purchased the land from the accused; but it was not registered. The accused asked him to leave the land which he refused. So, there arose dispute between him and the accused. After one hour of the incident the villagers rescued his daughter. He has denied the suggestion of the defence that the accused did not enter his house, gagged the mouth of his daughter and dragged her to his house.

- P. W. 6 is the mother of the prosecutrix. She has also deposed that about two and half years back one day while she was not at her residence then she heard that the accused entered into her house and dragged her daughter. Then she returned home and found her daughter in her house. on being asked her daughter told her that while she was binding bidi then the accused came to her house, gagged the mouth of her daughter and dragged her to his house. The villagers rescued her daughter. In cross-examination she has admitted that she had not seen the incident. She has denied the suggestion of the defence that her daughter did not disclose before her that the accused came to her house, gagged the mouth of her daughter and dragged her to his house.
- P. W. 7 Jamser Ali has deposed that about three years back there held a village bichar in the house of Mannan Ali. In that bichar he was also present. In the bichar the accused confessed that he abducted the complainant. The villagers imposed Rs. 30,000/ fine to the accused which the accused did not pay. So, the complainant filed the case. I. O. seized a Kurta and he put his signature as seizure witness. Ext. 3 is the seizure list and Ext. 3 (1) is his signature. In cross-examination he has deposed that on the day of the incident he was not present at his residence. His house is just 300 meters away from the house of the complainant. The complainant resides in the plot of the accused. There was land dispute between the accused and the complainant. About 25 persons were present in the village bichar. He has denied the suggestion of the defence that accused did not confess his guilt and the villagers imposed fine of Rs. 30,000/ to the accused.
- **16.8** P. W. 8 Asma Bibi knows nothing about the subject matter of the case.
- **16.9** P. W. 9 Sahadat Ali has deposed that about 4/5 years back the father of the

complainant called a village bichar and he was present in that bichar which was held in the house of Mannan Ali. In that bichar the accused was present and he confessed that he abducted the complainant. The villagers imposed Rs. 30,000/ fine to the accused. The accused did not pay the fine to the accused; so, the complainant filed the case against the accused. In cross-examination he has deposed that in the middle of the bichar he arrived at the house of Mannan Ali. He was invited to the bichar. He forgot who presided over the bichar. He talked nobody present in the bichar. The houses of the complainant and the accused are in same compound. He has denied the suggestion of the defence that the accused did not confess his guilt in the bichar and he was not imposed fine of Rs. 30,000/.

- **16.10** P. W. 10 Aminur Ali has deposed that about 2/3 years back one day he heard that the accused kidnapped the complainant; but he could not say from whom he received the information. In cross-examination he has deposed that on the day of the incident he was in Shillong. After one week he heard about the incident.
- 16.11 P. W. 11 Pritam Das is the investigating officer. He has deposed that on 15-04-2015, he was working at Golokgani P.S. as attached officer. On that day, the complainant lodged a written ejahar before O/C, Golokganj P.S. with an allegation that on 08-02-2015 at about 4:30 pm, while she was binding bidi in her house then the accused entered into her house from back door, hugged her from back and attempted to commit rape on her. Then O/C. Golokganj P.S. registered a case under sections 143/120-B/448/376/511 IPC read with section 8 of POCSO Act and entrusted him to investigate the case. At police station he recorded the statement of the complainant, visited place of occurrence, inspected the place of occurrence and prepared a sketch map of place of occurrence. He recorded the statements of the witnesses under section 161 Cr. P. C. He sent the complainant who was the victim to Dhubri for medical examination; but she refused to get medically examined. She was also sent to Dhubri Court for recording her statement under section 164 Cr. P. C. On 14-10-2015 he arrested the accused and produced in the Court. After completing the investigation he submitted charge sheet against the accused under sections 376/511 IPC read with section 8 of POCSO Act. He has exhibited the seizure list as Ext. 3, sketch map of place of occurrence as Ext. 4 and charge sheet as Ext. 5. Ext. 3 (2), Ext. 4 (1) and Ext. 5 (1) are his

signatures. In cross-examination he has deposed that P. W. 1 did not disclose before him that she along with prosecutrix, Kashema and Arjina Khatun while preparing bidi in the house of Arjina Khatun, the accused arrived there and forcibly took away prosecutrix to his house. The prosecutrix did not disclose before him that the accused gagged her mouth by means of a gamocha and took her away. Witness Arjina Khatun disclosed before him that while she along with P. W. 1 and the prosecutrix was manufacturing bidi then accused arrived there and forcibly took away the prosecutrix to his house. The father of the prosecutrix disclosed before him the accused entered into his house, gagged the mouth of his daughter and dragged her to his house. Mother of the prosecutrix disclosed before him that on the day of the incident the accused came to her house, gagged the mouth of her daughter and dragged her to his house. To ascertain the age of the victim he did not collect any document. The houses of the accused and the complainant are in same compound. At the time of incident the victim was not alone.

17. On perusal the ejahar (Ext. 1) it appears that the alleged incident took place on 08-02-2015 at about 4.30 p.m. The ejahar was lodged on 14-04-2015. The prosecutrix in her ejahar has stated that she was waiting for holding a village bichar regarding the incident; so, delay occurred in filing the ejahar. The contents of the ejahar show that the prosecutrix filed the ejahar against five persons including the accused and the O. C. Golokganj police station registered a case under sections 143/120-B/448/376/511 IPC read with section 8 of POCSO. The investigating officer after completion of the investigation submitted charge sheet only against the accused. During the investigation the statement of the prosecutrix was recorded by the Judicial Magistrate under section 164 Cr. P. C. During trial the prosecution exhibited the statement of the prosecutrix through the prosecutrix and marked the same as Ext. 2. The prosecutrix authenticated her signature thereon. On perusal the statement of the prosecutrix recorded by Judicial Magistrate it appears that on 17-04-2015 her statement was recorded under section 164 Cr. P. C. In her statement she has stated that the incident took place on 12-04-2015. The prosecution has not clarified actually on which date the alleged incident took place. Was it 08-02-2015 as mentioned in the ejahar (Ext. 1) or on 12-04-2015 as stated by the prosecutrix in her statement recorded by Judicial Magistrate under section 164. Cr. P. C. (Ext. 2)?

- **18.** In a case registered under the provisions of POCSO Act the age of the victim is very much essential. The prosecution has to establish that on the day of the alleged incident the victim was a child as defined under section 2 (d) of POCSO Act. The victim herself filed the ejahar. In the ejahar her age has been mentioned as 17 years. After filing the case while she was produced before Judicial Magistrate for recording her statement she mentioned her age as 15 years. The investigating officer (P. W. 11) while deposed in the Court has stated that he had not collected any document to ascertain the age of the victim. The prosecution examined the father of the prosecutrix as P. W. 5. His deposition during trial was recorded on 2nd June 2018. On that day he has stated that on that day his daughter was 21 years old. From the evidence of the investigating officer it appears that he sent the victim girl to Dhubri Civil Hospital for medical examination; but the victim refused to get medical examination. So, medical examination of the victim was not done. If the victim was medically examined; definitely the medical officer would have been ascertained her age. As the prosecution has failed to produce any cogent evidence to show the actual age of the victim; so, it is difficult to hold that the victim was a child on the day of the alleged incident as defined under section 2 (d) of the POCSO Act.
- **19.** Evidence on record shows that the houses of the prosecutrix and the accused person are in the same compound. In the ejahar the prosecutrix has stated that on the day of the incident while she was making bidi in her house then the accused came to her house. But the prosecutrix in her statement recorded under section 164 Cr. P. C. has stated that while she was making bidi in her courtyard then the accused came and committed the offences. The prosecutrix while deposed in the Court during trial has stated that while she was making bidi in front of her house then the incident took place. From the oral testimony of the prosecutrix it appears that P. W. 1, one Arjina and one Kasema were present at the time of the incident. P. W. 1 has deposed that they were making bidi in the house of Arjina Khatun. But Arjina Khatun has deposed that they were making bidi in front of her house. From the evidence of the prosecutrix, P. W. 1 and Arjina Khatun it is not clear actually where the incident took place. Was it in the house of the prosecutrix or in the house of Arjina or in front of the house of Arjina? During investigation the I. O. (P. W. 11) inspected the place of occurrence and prepared its sketch map which the prosecution has exhibited and marked as Ext. 4. On perusal the Ext. 4 it appears that in between place of occurrence which is marked as "A" in the sketch map and the house of the accused which is marked as "B" there is village road. But on perusal the oral testimonies of the non official prosecution witnesses it appears that the house of the

prosecutrix and the house of the accused were in the same compound. If that is so, the sketch map of place of occurrence prepared by I. O. during investigation was not correct.

- **20.** After carefully scanning the evidence on record it appears that the alleged incident did not occur inside the house of the prosecutrix. As the houses of the prosecutrix and the accused are in same compound and the alleged incident had not taken place inside the house of the prosecutrix; so, question of committing house trespass by the accused does not arise.
- 21. Another charge framed against the accused is under section 363 IPC i.e. punishment for kidnapping. In the case in hand the prosecutrix has deposed that on the day of the incident the accused gagged her by means of a gamocha, and took her to his house. P. W. 1 and P. W. 3 who were present on the spot at the time of the alleged incident with the prosecutrix have deposed that the accused arrived at the place of occurrence and forcibly took away the prosecutrix. Both P. W. 1 and P. W. 3 have deposed nothing that the accused gagged the mouth of the prosecutrix by means of a gamocha. The father of the prosecutrix was also present at the time of incident. As per his deposition the prosecutrix was binding bidi in his house and then the accused came to his house gagged her daughter, dragged her to his house which is just 100 feet away from his house.
- 22. To constitute an offence punishable under section 363 IPC the prosecution has to show that the accused kidnapped the prosecutrix. As per section 359 IPC kidnapping is of two kinds: kidnapping from India and kidnapping from lawful guardianship. The case does not fall under the category of kidnapping from India as defined under section 360 IPC. Now let us scrutinize whether the case falls under the category of kidnapping from lawful guardianship as defined under section 361 IPC or not. As per section 361 IPC whoever takes or entices any minor under eighteen years of age if a female out of the keeping of lawful guardian is said to kidnap such female from lawful guardianship. The main ingredient under this section is that the female must be under eighteen years of age. As discussed above the prosecution has failed to establish that the prosecutrix at the time of the alleged incident was a minor under the age of eighteen years. As the prosecution has failed to produce any cogent evidence regarding the age of the prosecutrix; so, it is held that the prosecution has failed to establish that the accused on the day of the alleged incident kidnapped a minor girl under the age of eighteen years.

- 23. So far charge of sexual assault punishable under section 8 of POCSO Act is concerned; the prosecution has to show that on the day of the alleged incident the prosecutrix was a child as per provision of POCSO Act. It has already been discussed that the prosecution has failed to establish that the prosecutrix was a child at the time of the alleged incident. Besides it at the time of the alleged incident P. W. 1, P. W. 3 and P. W. 5 were present. The prosecutrix has deposed that the accused tore her clothes and attempted to commit rape on her. The P. W. 1 and P. W. 3 were present in the courtyard. But they have stated nothing that the accused tore the clothes of the prosecutrix and attempted to commit rape on her. Father of the prosecutrix (P. W. 5) has also deposed nothing that the accused tore the clothes of his daughter and attempted to commit rape on her.
- **24.** During investigation the I. O. seized a torn Kurta of the prosecutrix. From Ext. 3, the seizure list, it appears that it was seized on 15-04-2015 on being produced by the prosecutrix herself. During trial the prosecutrix has not disclosed that on the day of the alleged incident she was wearing the seized kurta.
- 25. From the materials on case record it transpires that after two months of the alleged incident the ejahar was filed. The ground of delay in filing the ejahar has shown that a village bichar was held regarding the incident and the accused refused to accept the decision of the villagers; so, delay occur in filing the ejahar. But the prosecution witnesses have stated nothing on which date the village bichar was held. From the evidence on record it is revealed that the prosecutrix and her family are staying in the compound of the accused. Though the defence suggested that the prosecutrix and her family are illegally occupying the land of the accused which they denied; but it is clear that there was dispute between two families. Under such circumstance we cannot ruled out false implication to the accused by the prosecutrix.
- 26.In a criminal case burden of proof of the case always lies on the prosecution. The Hon'ble Gauhati High Court in Abdul Sufan and others vs. State of Tripura 2009 Legal Eagle 620 has opined that:
 - " 11. In a criminal jurisprudence, the case of the prosecution should rest on its own strength and not in the absence of explanation plausible defence by the accused. While dealing with serious question of guilt or innocence of persons charged with crime, the following general rules have been laid down

for the guidance of courts:- (i) The onus of proving everything essential to the establishment of the charge against the accused, lies on the prosecution; (2) The evidence must be such as to exclude to moral certainty every reasonable doubt of the guilt of the accused; (iii) In matters of doubt it is safer to acquit than to condemn; for it is better that several quilty persons should escape than that one innocent person suffer; (iv) There must be a clear and unequivocal proof of the corpus delecti. (v) The hypothesis of guilt should be consistent with all the facts proved. With due respect, we may add that it is not the duty of courts to make up the loopholes of the prosecution howsoever suspicious the involvement of the accused in the crime. In other words, this Court cannot take over the duty of the prosecution. We understand that a reasonable doubt is not an imaginary, trivial or merely possible doubt, but a fair doubt based reason and common sense. In the case at hand, a fair doubt is created in the case of the prosecution the appellants are entitled to the benefit of doubt. In our anxiety to punish persons accused of murder, we must not overlook the cardinal principles of criminal law that the accused is presumed to be innocent until his guilt is established by the prosecution. Until and unless Parliament amends the Evidence Act, 1872 changing the law of burden of proof, it is not expected of criminal courts, in our anxiety to increase the number of convictions, to dilute the standard of proof required in a criminal trial or give different complexion, covertly or otherwise, to the concept of fair trial according to law. In the instant case, even if it can be said in favour of the prosecution that the evidence is equally balanced, which appears to be a correct view, conviction of the appellants cannot be upheld. In a criminal case, if there can be two possible views on the evidence adduced by the prosecution, the accused is entitled to acquittal on the benefit of doubt. In the instant case, a fair or reasonable, not imaginary, possible or trivial, doubt looms large in the case of the prosecution to bring home the charges against the appellants, and they are, therefore, entitled to the benefit of doubt in the view that we have taken, it is difficult to uphold the impugned judgment of conviction and sentences."

27. In view of the above discussion and observation it is concluded that the prosecution has failed to establish the charges framed against the accused beyond all reasonable doubts. So, the accused deserves benefit of doubt. Accordingly the accused is acquitted of the

charges on benefit of doubt and he is set at liberty.

- **28.**The accused is in judicial custody. So, the accused is allowed to go on bail of Rs. 10,000/ with a surety of like amount in default the accused will remain in jail for next 6 months as per section 437-A Cr. P. C.
- **29.** Destroy the seized article after expiry of appeal or revision period.
- **30.** Given under my hand and seal of this Court this the 02^{nd} day of January 2019.

(D. Thakuria) Special Judge, Dhubri.

IN THE COURT OF SPECIAL JUDGE: DHUBRI.

SPECIAL CASE NO: 24/2016

UNDER SECTIONS: 448/363 IPC READ WITH SECTIOM 8 OF THE POCSO ACT.

STATE OF ASSAM

VS.

NAZRUL HOQUE

APPENDIX

A. Prosecution exhibits:

Ext. 1 : Ejahar.

Ext. 2 : Statement of the victim.

Ext. 3 : Seizure list.

Ext. 4 : Sketch map of place of occurrence.

Ext. 5 : Charge sheet.

B. Defence Exhibits : Nil.

C. Court Exhibits : Nil.

D. Prosecution Witnesses:

P. W. 1: Relative of the prosecutrix,

P. W.2: Prosecutrix,

P. W.3: Arjina Khatun,

P. W.4: Rohimuddin Sheikh,

P. W.5: Father of the prosecutrx,

P. W.6: Mother of the prosecutrx,

P. W.7: Jamser Ali,

P. W.8: Asma Bibi,

P. W.9: Sahadat Ali,

P. W.10: Aminur Ali &

P. W.11: Pritam Das.

E. Defence Witness: Nil.

F. Court Witness : Nil. (D. Thakuria)

Special Judge, Dhubri.