## IN THE COURT OF SPECIAL JUDGE, SONITPUR AT TEZPUR

<u>SPECIAL (POCSO) CASE NO.</u> :- <u>12 OF 2015</u>

(Under Section 6 of the POCSO Act, arising out of G.R. Case No. 1894 of

2013)

Present :- Sri Ashok Kumar Borah, AJS

Special Judge, Sonitpur

**Tezpur** 

Prosecutor :- State of Assam

-vs-

Accused :- Sri Subhash Chetri

Son of Late Krishna Bh. Chetri, Resident of Patidoi Bherela, Police Station – Missamari, Dist:- Sonitpur, Assam

Date of framing Charge :- 29/06/2015

Date of Recording Evidence :- 31/08/2015, 13/10/2015,

11/02/2016, 15/05/2017

06/07/2017

Date of examination of accused u/s

313 Cr.P.C

:- 31/05/2017 & 25/07/2017

Date of Argument :- 05/08/2017

Date of Judgment :- 17/08/2017.

Counsel for the Prosecution :- Mr. Munin Chandra Baruah

Public prosecutor

Sonitpur.

Counsel for Accused :- Mr. I. Ansari, Advocate.

### **JUDGMENT**

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

- 2. The prosecution case according to the FIR in brief is that on or about in some days before of 04-08-2013, accused called the informant's 7 years old daughter "X" and his son Sri Sonu Kumar Singh to his house at about 3 PM. Thereafter, the accused told his son to go to the market and then he fell the informant's daughter down in the bed and committed rape on her. The aforesaid incident was told by the informant's victim daughter on or about 5 days ago. Hence, this prosecution case. The ejahar was filed by one Smt. Rabita Devi before the O/C of Missamari Police Station on 04-08-2013.
- **3.** On receipt of the aforementioned FIR, the Officer-In-Charge of Missamari Police Station registered a case being Missamari P.S. Case No 86/13 u/s 376(F) of IPC and endorsed S.I. P. Baishya to investigate the case. After completion of usual investigation, the O/C Missamari Police Station sent up the accused for trial by filing charge sheet u/s 376(F) of IPC against the accused Sri Subhash Chetri.
- **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 ten 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. To buttress the defence, the accused declined to give defence evidence.
- **6.** 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 or about 3 p.m. of 04-08-2013, at Patidoi Bherela under Missamari Police Station, the accused

committed penetrative sexual assault on the victim Miss "X" (7 years) and thereby committed an offence punishable under section 6 of the Protection of Child from Sexual Offences Act?

## Reasons, Decisions and reason for decision.

- 8. To arrive at the judicial decision, let me appreciate the evidence on record.
- PW 1, Miss "X" who is the victim of this case was examined 9. after making due enquiry to know about her intelligence and rationality stated that in the year during summer vacation of their school, one day in the morning, she was playing with her brother Paban near their house. At that time the accused came and called them to see cartoon in his house. He then gave his laptop to show cartoon to her brother in one room and took her to another room where there was T.V. He made her lie down on bed and inserted his penis (Nunu), after opening her panty, in her private organ. She told him that she want to go home and she will tell her mother, then the accused threatened to kill her. She went to her house. After one day, she told about the incident to her mother. Police took her to Court and her statement was recorded. Ext. 1 is her statement and Ext. 1(1) to 1(4) are her signatures. She was taken to hospital. Her nick name is Priya. The house of the accused is near her house.
- In her cross examination, she admitted that the people accused house do not come to their house. Her father has quarrelled with the family members of the accused. On the day of incident, she did not tell her mother about the incident. On the next day, she told her mother. When the accused inserted his male organ into her private part she suffered pain and there was bleeding. She told this fact to her mother. Doctor examined her injuries. She has told these facts to the police also. Male police took her statement.

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- 11. PW 2, Smt. Rabita Devi, mother of the victim as well as the informant of this case stated that "X" is her daughter and in the year 2013 when there was summer vacation, one day her daughter was sleeping, "X" told her that her private part was irritating. On that day, she did not tell anything. Thereafter, approximately after 10 days accused called her to see cartoon in his house, then she told that she would not go. Then she asked "X" as to why the accused was calling her. Then she told her that about 10 days ago the accused called her and her son Paban to see cartoon in his house. She also told her that accused allowed her son to see cartoon in his laptop in one room and the accused took her to next room and made her lie down on bed, open her pant and touched his penis to her private part. Thereafter, "X" did not use to take food properly. She called the accused to their house and asked for apology. He also said that he will leave the village. Thereafter, after about two days she lodged an FIR in Missamari Police Station. Ext. 2 is the FIR and Ext 2 (1) is her signature. Thereafter, her daughter was examined by the doctor and her statement was recorded by Magistrate in Court. She was about 7 years of age at the time of incident.
- 12. In her cross examination, she admitted that police took her statement. She denied that she did not state before the police that "one day her daughter was sleeping, "X" told her that her private part was irritating. On that day, she did not tell anything. She even has not stated before the police that after 10 days accused called her to see cartoon in his house, then she told that she would not go. Then she asked "X" as to why the accused was calling her. Then she told her that about 10 days ago the accused called her and her son Paban to see cartoon in his house. She also told her that accused allowed her son to see cartoon in his laptop in one room and the accused took her to next room and made her lie down on bed, open her pant and touched his penis to her private part. Thereafter, "X" did not use to take food properly." She stated that first time also she saw her daughter and her son going to the house of the accused.

has stated that on 06-08-2013 he was working as Sr. Medical & Health Officer in the Kanaklata Civil Hospital, Tezpur and on that day, he examined "X", aged about 7 years, D/O Sri Monoj Prasad Singh of village Patidoi Bherela, PS Missamari in reference to Missamari PS Case No. 86/2013 u/s 376 (f) IPC, on being escorted and identified by Woman Home Guard Bharati Chakraborty of Missamari PS, at about 3 p.m. in the examination room of the labour room complex of the Kanaklata Civil Hospital, Tezpur vide Hospital Registration No. 63290/E/68/2013, in presence of GNM Manika Dutta. Consent of the victim was taken from the parents prior to medical examination. On examination he found the following:

Identification mark – linear scar mark present on the medial border of left elbow joint.

She has not attained monarchy till date.

History of sexual assault approximately 20 days back.

Height - 127 cm, Weight - 20 Kg, Teeth - 12/10.

She is a little girl child, neat and tidy. Her gait is normal, built is average, secondary sexual characters are not developed. External genitalia healthy. There is no marks of injury seen on her body as well as on her private parts.

## **Investigations advised-**

- Superficial vaginal smear taken and sent for examination for spermatozoa.
- 2. X-ray of wrist joint, elbow joint and iliac crest.

#### Reports.

- 1. Vaginal smear no spermatozoa seen. KCH Lab No. 74 dt. 07-08-2013.
- 2. X-ray of wrist joint, elbow joint, left hand and iliac crest for age determination. Done at Assam X-ray Clinical & Laboratory by Radiologist Dr. P.K. Barman. Patient ID AX 3256 dt. 06-08-2013.

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- i) Union of the epiphysis of the lower ends of left radius and ulna are incomplete.
- ii) Epiphysis of the medial and lateral epicondyle of humorous are opened.
- iii) Epiphysis of the iliac crest has appeared but remains open.

## **OPINION:**

- 1. Age of the person under investigation is below 18 years.
- 2. There is no mark of violence or injury marks present on her body as well as on her private parts.
- 3. There is no sign of recent sexual intercourse.

Ext. 3 is the Medical report and Ext. 3(1) is his signature. Ext. 4 is the advice slip and Ext. 4(1) is his signature. Ext. 5 is the laboratory report. Ext. 6 is the X-ray report along with plates. Ext. 6(1) is the signature of Dr. P.K. Barman, Radiologist, which is known to him.

- 14. In cross-examination, the Doctor admitted that they maintained OPD medico legal register in their hospital. After examining, they record the details in the said register. Ext. 3 is copied from the original record maintained in their hospital. If a minor girl aged about 7 years is subjected to penetrative sexual assault by an able bodied person, there must be tear in her private parts. He did not found any such injury on the private parts of the victim examined by him.
- **15. PW 4, Sri Manoj Prasad Singh** who is the father of the victim "X" stated that he knows the accused and the incident occurred about two years back. At that time his daughter "X" was 7 years old. At the time of occurrence, he was at Itanagar, Arunachal Pradesh. His wife Rebika Devi informed him about the incident and he came back from Arunachal Pradesh after 2 days of the incident. He enquired about the incident from his wife as well as his daughter "X". His daughter had informed him that the accused called his daughter and his son Pawan to

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his house to show cartoon on his Laptop. He asked Pawan to see cartoon on his Laptop in one room and took "X" to another room and committed rape on her after removing her pant.

- 16. In his cross examination, he admitted that when he was at Arunachal Pradesh he was informed over mobile phone about the incident. After getting the information he came back to his house. He denied that he has stated before police that he came from Arunachal to his house and after staying at home for two days he came to know about the incident. He denied that he has not stated before police that "my daughter had informed me that the accused committed rape on her after removing her pant." He denied that his daughter had not informed him that accused Subhash raped her.
- 17. PW 5, Sri Paban Kumar Singh who is the brother of the victim was examined after making due enquiry as to his ability to give rational answer. He stated that the victim is his twin sister. The incident took place in the year 2013 during summer vacation in the evening, he and his sister "X" were coming from their play, at that time the accused Subhash uncle called them to see cartoon. He called "X" and then "X" called him. Both of them went to the house of the accused. Accused allowed him to see cartoon in his laptop in a room and took "X" to a different room. At that time it was dark. He could not see anything. After some time, "X" came out and told him, on his asking that the accused uncle made "X" to lie down on the bed and after opening her pant he inserted his penis.
- **18.** In his cross examination, he admitted that they were playing in a ground which was a little away from their house. He further admitted that they informed about the incident to their mother on that day itself.
- **19. PW 6, Sri Santosh Prasad Singh** stated that the "X" is his niece. The incident occurred about two years back. At the time of occurrence he was at Itanagar, Arunachal Pradesh. He was informed about one month after the incident by his mother Shibjyoti Devi. In his

cross examination, he admitted that he has no personal knowledge about the alleged incident.

- **20. PW 7, Smt. Narmada Pun** stated that the incident occurred about two years back. When police came to the house of the accused she came to know that some rape case happened.
- **21.** In her cross examination, she admitted that when police came she was a tenant of the accused. The accused and the parents of the victim had no visiting terms at the time of occurrence. She does not know the reason of quarrel.
- **22. PW 8**, Smt. Lila Mushahari stated that at the time of the incident she was the tenant of the accused. The incident occurred about two years back. She was not present at the time of incident. Later on, she came to know that the accused has raped "X".
- 23. PW 9, Sri Pranab Baishya who is one of the I/O has stated that on 04.08.2013 he was posted Missamari Police Station. On that day, O/C Tilak Ch. Roy received an ejahar from one Smt. Rabita Devi and after registering the same vide Missamari PS Case No. 86/13 under section 376(f) of IPC and endorsed him for investigation of the case. He recorded the statement of the informant and the victim. Ext 2 is the said ejahar and Ext 2 (2) is the signature of the SI, Tilak Ch. Roy. On that very day at about 2:30 PM, he went to the house of the accused at Borola Gaon. Thereafter, he visited the place of occurrence and prepared sketch map. Ext 7 is the sketch map and Ext 7 (1) is his signature. He then sent the victim for medical examination on 06.08.2013. On 05.08.2013 he sent the victim to record her statement u/s 164 CrPC. Thereafter, he collected the medical report of the victim. On 06.08.2013 he arrested the accused person. After completion of usual investigation, he filed charge sheet against the accused person under section 376(f) of IPC. Ext 8 is the charge sheet and Ext 8 (1) is his signature.

**24.** In his cross examination, he admitted that they received FIR on 04.08.2013 and the same was not filed on the date of the alleged incident. Even the said FIR does not bare the logical explanation of filling the same in late. The victim "X" did not state before him that "accused Subhash inserted his penis into her vagina" She again did not state that as a result there was a bleeding. She has only stated to him that accused touched her private parts only. The said victim even did not state before him that accused threatened her that she will be killed if she reported the matter to her mother.

Similarly, the witness Smt. Rabita Devi, PW 2 did not state before him that "one day her daughter was sleeping, "X" told her that her private part was irritating. On that day, she did not tell anything. Thereafter, approximately after 10 days accused called her to see cartoon in his house, then she told that she would not go. Then she asked "X" as to why the accused was calling her. Then she told her that about 10 days ago the accused called her and her son Paban to see cartoon in his house. She also told her that accused allowed her son to see cartoon in his laptop in one room and the accused took her to next room and made her lie down on bed, open her pant and touched his penis to her private part. Thereafter, "X" did not use to take food properly. She called the accused to their house and asked him and he admitted his guilt and asked for apology. He also said that he will leave the village." The I/O again stated that the witness Sri Manuj Prasad Singh did not state before him that he came to know over mobile phone from her wife while he was at Arunachal Pradesh. Similarly, the said witness did not state before him that "X" reported to him that accused inserted his private part to her private part.

**25. PW 10** Miss Panchali Shyam is the Addl. Chief Judicial Magistrate, Golaghat stated that on 05.08.2013 she was working as Judicial Magistrate First Class, Tezpur. On that day, one victim "X", aged about 7 years, D/O Manoj Prasad Singh was produced before her for recording her statement u/s 164 CrPC in reference to Missamari PS Case

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No. 86/13 under section 376 (f) of IPC (GR Case No. 1894/13) as she was Elaka Magistrate. She has recorded her statement after testing her intelligence and ability to gives rational answers. She has examined her without on oath. She has recorded her statement in her chamber. The statement made by the victim voluntarily. After recording her statement, she has read over the contents to her then she put her signature. Ext 1 is the statement of victim "X" recorded by her and Ext 1 (5) is her signature. Ext 9 is the GR Case No. 1894/13 and Ext 9 (1) is her order dated 05.08.2013 and Ext 9 (2) is her signature. In her cross examination, she admitted that the victim stated in her statement that the incident took place in the morning hours.

- **26.** 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.
- 27. 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. **Secondly**, there is a clear evidence that the informant and the accused has an enmity due to some quarrelled even they did not have any visiting terms. *Thirdly,* there is a wide difference of time amongst the statement of the witnesses and also the FIR. According to FIR, the incident took place about 3 'O' clock in the evening but the printed FIR is totally silent as to the date and time of occurrence. According to the victim, the incident occurred in the morning time. Thereafter, there is a wide contradiction about the time of incident in between the FIR and the statement of the victim. *Fourthly,* according to PW 2, the mother of the victim stated that the victim reported the matter to her approximately after 10 days of the incident. *Fifthly*, the victim admitted that when the accused inserted his male organ into her private part she suffered pain and there was bleeding. She told this fact to her mother. PW 5, Sri Paban Kumar Singh, brother of the victim stated that they informed about the incident to their mother on that very date. **Sixthly**, the victim was examined by the doctor after 20 days. The doctor

reported nothing about the tear of hymen. There is no any evidence of tear of hymen of victim. Doctor examined her injuries. The doctor opined that there is no mark of violence or injury marks present on her body as well as on her private parts and also there is no sign of recent sexual intercourse. Ld. Counsel submitted that if a matured man forcefully committed rape on a 9 years old minor girl she must have sustained injury not only on her private parts but also on her body in this case. Though, the victim was sustained injury on her private parts but the doctor did not state that he found injury on her private parts. Ld. Counsel further submitted that if a forceful sexual intercourse occurred to a 9 years old girl there must be tear of hymen. **Seventhly**, there is a wide contradiction amongst the statement of the witnesses. As per example the victim stated that due to forceful sexual intercourse she was bleedings and sustained hurt but that has not stated to police while her statement was recorded under section 161 CrPC. Though the victim stated that at the relevant time accused made her lie down on bed and inserted his penis after opening her panty, in her private organ. On the other hand, she said to police that the accused touched her private parts only. Therefore, there is a contradiction as to insertion of male organ into her private parts and touching her private parts by his penis. Again the statement of PW 2 Smt Rabita Devi that after about 10 days of the incident accused called her to see cartoon in his house, then she told that she would not go. Then she asked "X" as to why the accused was calling her. Then she told her that about 10 days ago the accused called her and her son Paban to see cartoon in his house. She also told her that accused allowed her son to see cartoon in his laptop in one room and the accused took her to next room and made her lie down on bed, open her pant and touched his penis to her private part. Thereafter, "X" did not use to take food properly. That the aforesaid statement was not stated before the I/O which is confirmed by the I.O. These are the major contradiction. Therefore, the aforesaid statement cannot be relied on.

28. To fortify the argument, learned Sr. counsel for the accused cited the following case laws. Firstly, to rely the solitary witness learned counsel submitted (i) (2008) 1 GLR 111 (para 18) and (ii) (1997) 1 GLR 311.

For making statement substantially differs with the statement given in the Court - (i) (1995) 1 GLR 421 and (ii) (2010) 4 GLR 567.

For serious omission in FIR - (i) (1996) 2 GLR 79 and 99 and (ii) 2015 (2) GLT 71.

In regards to case diary statement cannot be used as evidence—
(i) (2010) 1 SCC (Cri) 460 (Head Note C) and (ii) 2011 (3) GLT 167.

- **29.** Per contra, learned Public Prosecutor, Sonitpur, Tezpur submitted that the prosecution has ably proved the case beyond any reasonable doubt, as such, accused is required to be convicted under the charged section of law.
- **30.** I have thoroughly perused the case laws cited by the learned Senior Counsel for the accused.
- **31.** Keeping in mind the respective submissions advanced by learned counsel for both parties, I am going to dispose of the case as follows.
- **32.** A close scrutiny of the record, it appears that here there is only one witness i.e. the victim PW 1. The others are reported witnesses.
- **33.** 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.

**34.** Now, the question comes how far the evidence of the victim is reliable and convincible to convict the accused.

Coming to the present case, according to the victim, the occurrence took place during summer vacation, one day in the morning time but according to the written FIR filed by the informant it is specifically stated that the incident took place at about 3 PM but in the printed FIR the time and date of the alleged incident is silent. According to the victim, at the relevant time accused came and called them to see cartoon in his house. He then gave his laptop to show cartoon to her brother in one room and took her to another room where there was T.V. He made her lie down on bed and inserted his penis (Nunu), after opening her panty, in her private organ. She told him that she want to go home and she will tell her mother, then the accused threatened to kill her. PW 5 Sri Paban Kumar Singh who also stated that at the relevant time the accused called him and his sister "X" to watch cartoon. Both of them went to the house of the accused. Accused allowed him to see cartoon in his laptop in a room and took "X" to a different room. At that time it was darkness. He could not see anything. After some time, "X" came out and told him, on his asking that the accused uncle made "X" to lie down on the bed and after opening her pant he inserted his penis. But during the alleged occurrence the victim never raised any protest, as she raised protest definitely her brother who was in the side of the room might have heard. The brother of the victim even did not state that he seen the incident but it is stated that he was reported by the victim that the accused did the aforesaid act. Besides that according

to the victim she reported the matter to her mother on that very next day of the incident but according to her mother, the informant the victim reported to her after 10 days of the incident. The statement of the informant is such that while on that day the accused called her to see cartoon, she was not go there. On such refusal her mother asked her why she did not go to the house of the accused then the victim told her that10 days ago the accused allowed her brother to see cartoon in his laptop in one room and the accused took her to next room and made her lie down on bed, open her pant and touched his penis to her private part. Thereafter, "X" did not use to take food properly. The aforesaid statement as reported by the victim to her mother after 10 days as stated by the informant neither in the Court nor in her statement under section 161 CrPC or in her statement u/s 164 CrPC. Therefore, it appears a contradiction in between the statement of the victim and her mother as to the alleged incident.

Besides that the I/O admitted that the victim did not state before him that "accused Subhash inserted his penis into her vagina" She again did not state that "as a result there was a bleeding". In fact, these statement in reference to the instant case is vital one which is found contradictory. The I/O only admitted that the victim stated before him that the accused touched her private parts only. The victim even not stated before the I/O that the "accused threatened her that she will be killed if she reported the matter to her mother". The another vital contradiction is in the statement of the informant that the said Rabita Devi did not state before him that one day her daughter was sleeping, "X" told her that her private part was irritating. On that day, she did not tell anything. The said witness also did not state before him that "after 10 days accused called her to see cartoon in his house, then she told that she would not go. Then she asked "X" as to why the accused was calling her. Then "X" told her that about 10 days ago the accused called her and her son Paban to see cartoon in his house. She also told her that accused allowed her son to see cartoon in his laptop in one room and the accused took her to next room and made her lie down on bed,

open her pant and touched his penis to her private part. Thereafter, "X" did not use to take food properly." The said Rabita Devi/informant also did not state before the I/O that "sShe called the accused to their house and asked him and he admitted his guilt and asked for apology. He also said that he will leave the village." So these are the major contradiction.

- 35. It has been held in "Tahsildar Singh vs State of Uttar Pradesh reported in AIR 1959 SC 1012" wherein the Hon'ble Supreme Court held that – "(1) A statement in writing made by witness before a police officer in the course of investigation can be used only to contradict his statement in the witness box and for no other purpose. (2) Statements not reduced to writing by the Police Officer cannot be used for contradictions. (3) Though a particular statement is not recorded, a statement that can be deemed to be part of that expressly recorded can be used for contradictions not because it is an omission strictly so called but because 11 it is deemed to form part of the recorded statement. Such a fiction is permissible by construction only in the following three cases; - (i) when a recital is necessarily implied from the recital or recitals found in the statement, (ii) a negative aspect of a positive recital or recitals in a statement and (iii) when the statement before the police and before the court cannot stand together."
- **36.** As discussed herein before the aforesaid contradictions are not a minor. These are major contradictions. Therefore, it cannot be ignored even if admitted the said contradictions as a evidence it will cause prejudged to the accused as such the aforesaid contradictory statements are not relied on to convict the accused. Another point is to be discussed in the present case is that as submitted by the Ld. Counsel for the accused that though the victim stated that due to such act of the accused she sustained injury on her private parts and it was bleeding but doctor report is totally silent as of any injury not only on her private part but also on her body. The statement of the doctor even had silent as to the position of hymen of the victim. According to medical

jurisprudence if a person forcefully committed rape on a girl of about 9 years, she must have sustained injury not only on her private parts but also on her body. But in the instant case the doctor found no any injury not only on her private parts or any organ of the body of the victim. Besides the person such type of alleged injury or bleedings as stated by the victim is not supported by any of the witnesses. Even the mother of the victim did not state that due to such heinous act of the accused the victim sustained injury on her private parts and bleedings occurred on her private parts. Therefore, statement of victim as to sustain injury due to alleged penetrative sexual assault is doubtful.

- **37.** In view of the aforesaid discussion, the statement of the victim is not found to be consent and convincing, reliable to convict the accused only on her sole solitary witness. Therefore, accused is entitled to get the benefit of doubt and set him at liberty forthwith.
- **38.** The liabilities of the bailor is hereby discharged.
- **39.** Let the G.R Case No. 1894/2013 be sent to Ld. committal Court along with a copy of Judgment.
- **40.** Given under my Hand and Seal of this Court on this the 17<sup>th</sup> day of August, 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

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# **APPENDIX**

## **Prosecution Witness**

1. Prosecution Witness No.1 :- Victim.

2. Prosecution Witness No.2 :- Smt. Rabita Devi, informant

3. Prosecution Witness No.3 :- Dr. Amarjit Kaur

4. Prosecution Witness No.4 :- Sri Manoj Prasad Singh.
5. Prosecution Witness No.5 :- Sri Paban Kumar Singh
6. Prosecution Witness No.6 :- Sri Santosh Prasad Singh

7. Prosecution Witness No.7 :- Smt. Narmada Pun 8. Prosecution Witness No.8 :- Smt. Lila Mushahari, 9. Prosecution Witness No.9 :- Sri Pranab Baishya, I.O,

10. Prosecution Witness No.10 :- Miss P. Shyam, Addl. C.J.M, Golaghat

## **EXHIBITS.**

Exhibit 1 :- Statement of the victim u/s 164

Cr.P.C.

Exhibit 2 :- FIR

Exhibit 3 :- Medical report

Exhibit 4 :- Advice Slip.

Exhibit 5 :- Laboratory Report.

Exhibit 6 :- X-Ray Report.

Exhibit 7 :- Sketch Map

Exhibit 8 :- Charge Sheet

Exhibit 9 :- GR Case No. 1894/13

(Ashok Kumar Borah)
SPECIAL JUDGE
SONITPUR: TEZPUR