

IN THE COURT OF THE SPECIAL JUDGE ::::::::: CHIRANG, KAJALGAON.

Special (P) Case No. 5(RKT)/2018

U/S 4 of POCSO Act.

State of Assam

Vs.

Sri Dambal Mardi

.....Accused

PRESENT:

Sri D.J. Mahanta, Special Judge, Chirang, Kajalgaon.

ADVOCATES APPEARED:

For the State

: Sri D. Das, Ld. Public Prosecutor

For the accused

: Sri N.I. Siddique,

Smt. P. Chutia, Ld. Advocates

Date of evidence

: 20.04.18, 25.04.18, 23.05.18,

06.06.18, 13.06.18, 20.06.18

Date of Argument

: 16.07.2018

Date of Judgment

: 30.07.2018

JUDGMENT AND ORDER

- The prosecution case in brief is that on 19.11.2017, the 1. informant Smt. Chundki Mardi lodged an FIR before Runikhata P.S. alleging that on 18.11.2017 at about 2.30/3.00 p.m., accused Dambal Mardi kidnapped Miss 'X' (name is withheld), the niece of the informant, a student of Class VII aged about 13 years, while she was going to the field for grazing their cows.
- The matter was informed to the O/C, Runikhata Police Station 2. who accordingly registered a case being numbered as Runikhata P.S. Case No. 39/2017 U/S 365/342 IPC read with Section 4 of POCSO Act and the O/C

himself took up the investigation of the case. Accordingly, the I.O. arrested the accused, visited the place of occurrence, drew sketch map of the P.O., recorded the statement of the witnesses, sent the victim for medical examination, got recorded her statement u/s 164 CrPC and after completion of investigation, submitted charge-sheet against the accused person, namely, Dambal Mardi U/S 363 IPC read with Section 6 of POCSO Act. After receiving charge sheet, copies of relevant documents were furnished to the accused person. Accused person was produced before the court from jail. On perusal of entire materials on record and hearing both sides and after having found a prima facie case, formal charge was framed U/S 4 of POCSO Act against accused Dambal Mardi. Charge was read over and explained to the accused person to which he denied to plead guilty.

- 3. In support of the case prosecution side examined as many as 7 (seven) witnesses including the I.O. and M.O. One witness was examined as Court Witness.
- 4. Following witnesses are examined:-
 - (1) Victim as PW 1
 - (2) Smt. Chundki Mardi as PW 2
 - (3) Sri Bodon Hembram as PW 3
 - (4) Sri Naiki Mardi @ Nikhil as PW 4
 - (5) Sri Supul Kisku as PW 5
 - (6) Dr. Meena Hazarika (M.O.) as PW 6
 - (7) SI Manoj Narzary (I.O.) as PW 7
 - (8) Sri Stephen Murmu as CW 1

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5. Statement of the victim U/S 164 Cr.P.C. was exhibited as Ext.1. Admission register of No. 831 Kumguri L.P. School was exhibited as Ext.2. Entry regarding the admission of victim in Serial No. 29 was exhibited as Ext.2(1). Certificate book of No. 831 Kumguri L.P. School was exhibited as Ext.3. Counter foil of Material Ext.1 was exhibited as Ext.3(1). Medical report was exhibited as Ext.4, FIR was exhibited as Ext.5, sketch map was exhibited as Ext.6, seizure list was exhibited as Ext. 7 and charge-sheet was exhibited as Ext.8. School certificate of the victim was exhibited as Material Ext.1.

- Defence plea is of total denial. Defence adduced no evidence. 6.
- Heard argument from both sides. 7.

Now point for consideration:-8.

For the offence U/S 4 of POCSO Act

1. Whether on 18.11.2017, at about 2.30 PM at village Kumguri under Runikhata P.S., the accused committed penetrative sexual assault on Miss 'X' (name is withheld) the niece of the informant?

DISCUSSION, DECISION AND REASONS THEREFOR:-

- Now, I want to discuss and appreciate the prosecution evidence 9. on record regarding the point mentioned above.
- In this case, to bring home the charge, prosecution side 10. examined as many as 7 witnesses including M.O. and I.O. One witness was examined as Court Witness.
- PW 1 is the victim. She deposed that on the date of occurrence, 11. she went to nearby jungle to tie up cow. There was paddy field near the bank of river Champa. Accused met her in the jungle. He took her to the bank of the river Champa and forcefully committed sexual intercourse with her. After that he took her to his home. In the meantime, her maternal aunt knew the fact and went to the house of the accused and recovered her. It is stated by victim that accused took her with a promise to marry her. This witness, after filing of FIR, was brought before the Magistrate where she stated same facts. According to PW 1, after knowing the incident, her maternal aunt, PW 2 lodged the FIR. During cross-examination, PW 1 stated that she knew the accused from her childhood. Learned defence counsel gave suggestion that she failed 3 to 4 times but same was denied by the PW 1. The learned defence counsel further suggested that accused did not commit any sexual intercourse with her and her age was above 18 years on the date of occurrence but both suggestions were denied by the victim.

Special Judge

PW 2 Chundki Mardi is the maternal aunt of the victim, who 12. lodged the FIR. She deposed that occurrence took place in the year 2017. On the date of occurrence, her niece, the victim (PW 1) went to nearby jungle to tie up the cow but she did not return. According to PW 2, at that time, victim was reading in Class VII and her age was about 14 years. When victim was not returned, she searched her in different places within the village. Then villagers reported her that victim was in the house of accused. After knowing this fact, she went to the house of the accused and found her niece there. She took her to her home. Then victim reported her that she was taken to the bank of the river by the accused and committed sexual intercourse. After that mater was reported to the villagers and a meeting was held. As no settlement took place in the meeting, PW 2 lodged the FIR. According to her, during investigation, Investigating Officer went to her home and seized the school certificate of the victim and after seizing the document, police handed over the same to her. Since then she was the custodian of the seized school certificate and she brought the school certificate on the date of evidence. The said school certificate was exhibited as Material Ext.1. During the crossexamination, it is revealed that the victim has been residing in the house of the PW 2 for a period of 6/7 years. It is also revealed that one week ago prior to the incident, victim went to the house of the accused and stayed thereon for a period of 3/4 days. The learned defence counsel divulged one fact that victim was admitted in school by PW 2 and there was no birth certificate of the victim and she stated the age of the victim to the Headmaster on assumption. She clearly deposed that there was no love affection between the victim and accused. The suggestion given by learned defence counsel that at the time of occurrence, age of the victim was 18 years but same was denied. Learned defence counsel further suggested that the accused did not commit any sexual intercourse with the victim but same fact was also denied by PW 2.

Special Judge

13. PW 3 is one of the villagers. He knew both the victim and accused. According to him, at the time of occurrence, age of the victim was about 13 to 14 years and she was reading in Class VII. This witness stated that there was love affair between the accused and the victim. Accused wanted to marry her but guardian of the victim declined. This witness also admitted that prior to this incident victim went to the house of the accused.

Learned defence counsel during cross-examination suggested that age of the victim, at the time of occurrence, was above 18 years but said suggestion was denied by PW 3.

- 14. PW 4 is another villager, who stated that age of the victim was about 13 years and there was love affair between the accused and victim. He heard about the incident. The suggestion given by learned defence counsel that at the time of occurrence, age of the victim was above 18 years and she was not reading in Class VIII was denied by PW 4. According to PW 4, victim was reading in Class VII or VIII.
- 15. PW 5 is another villager, who deposed that occurrence took place about one year ago. He knew about the incident when a village mel was held and he was present in the meeting. Then he knew that accused took the victim to his home for which meeting was held. After that meeting, again accused took the victim. According to this witness, victim was reading in Class VII and her age was about 15 to 16 years. The suggestion given by learned defence counsel that age of the victim was above 18 years was denied by the witness.

16. PW 6 is the Medical Officer Dr. Meena Hazarika, who deposed that on 20.11.2017 she was working as Medical & Health Officer at JSB Civil Hospital, Kajalgaon. On that day, she examined the victim in connection with Runikhata P.S. Case No. 39/2017. According to doctor, there was history of kidnapping and sexual assault on 18.11.2017. On examination, Medical Officer found the following:-

She was conscious. Built — average. Axillary hair — present. Breast — developed. No injury marks on her body. Number of teeth 7/7, 7/7. Perineum injury — absent. Stain of semen — absent. Pubic hair — present. Vaginal examination — Stain of semen — absent, Mucosal tear — absent, hymen — absent. Vaginal swab examination not done. Radiological examination — not done.

Special Judge Chinag, Kajalgani After clinical examination, doctor opined that age of the victim was below 18 years. Doctor could not ascertain whether there was sexual intercourse with the victim or not.

- after taking the charge of investigation, he recorded the statement of the informant at police station and on next day he proceeded to the house of the accused and found both accused and victim thereon. He interrogated the victim at police station, collected school certificate of the victim. According to school certificate, her date of birth was 16.04.2004. He sent the victim to JSB Civil Hospital for her medical examination. Her statement got recorded by Magistrate U/S 164 CrPC. PW 7 further stated that he arrested the accused and visited the place of occurrence and drew sketch map of the P.O. He further recorded the statement of the witnesses. After medical examination, he collected report, seized school certificate of the victim which was given to the custody of the informant. After completion of investigation, he submitted charge sheet against the accused U/S 363 IPC R/W Section 6 of POCSO Act. The PW 7 exhibited the FIR, sketch map, seizure list and charge sheet.
 - Regarding Material Ext.1, learned prosecution prayed to 18. examine the Headmaster of the School from which certificate was issued. The Headmaster Stephan Murmu was examined as CW 1. He deposed that he knew the victim. She was reading in his school i.e. No. 831 Kumguri L.P. School. He prepared the Admission Register. He brought the Admission Register in original and counter foil of the certificates. This witness stated that according to Admission Register, victim was admitted in L.P. School on 09.01.2011. Her date of birth as mentioned in their Admission Register is 16.04.2004. According to CW 1, date of birth was inserted in the Admission Register as reported by her guardian (PW 2). He deposed that he issued Material Ext.1 on 05.08.15. He proved the Material Ext.1 and Admission Register along with counter foil of the certificate. During the crossexamination, he deposed that he had issued the certificate on the basis of entry in Admission Register. At the time of admission, no form was issued. According to CW 1, at the time of admission victim did not submit birth certificate. He further stated during cross-examination that it was not

Special Judge Chirang, Kalalgani mentioned in the Admission Register who reported them about the date of birth of the victim. On the other hand, PW 2, the informant deposed that she took the victim to admit in L.P. School. According to PW 2, she stated the date of birth of the victim to the CW 1.

After going through the entire evidence on record, it is found 19. that the accused developed some relationship with victim which is revealed from the evidence of the villagers. In this regard, prior to the incident, a village mel was also held. Then villagers settled the matter and handed over the victim to the custody of the informant. After that on the date of occurrence, accused took the victim to his home and prior to this, he allegedly committed sexual intercourse with the victim near the bank of the river Champa. This fact was stated by the victim during her statement recorded U/S 164 CrPC. PW 2 also stated that victim had reported that accused committed sexual intercourse with her. Victim was examined medically on 20.11.2017. According to FIR, sexual assault was committed on 18.11.2017. So, victim was examined after two days from the alleged incident of sexual intercourse. No any sign of sexual intercourse was found by the doctor. In my view, medical evidence is scanty and it was not done properly by the PW 6. It is also found from the deposition of PW 6 that victim was not sent for radiological examination. On the basis of clinical examination, doctor opined the age of the victim as below 18 years. PW 6 did not perform her duty as medical officer properly. As a result, no any concrete opinion was revealed regarding sexual intercourse as well as age. Due to lack of knowledge of medical officer, we cannot deny justice to the victim. Therefore, I want to determine the age of the victim on the basis of Material Ext.1, the L.P. School certificate of the victim. It is settled law that regarding rape or other sexual offences, evidence of victim is sufficient. In this case, it was not suggested to the victim by learned defence counsel during the cross-examination that there was love affair between the accused and the victim. Defence only denied the age. According to prosecution story, victim was reading in Class VII and her age was about 14 years. In support of her age, prosecution exhibited the Material Exhibit-1 in which date of birth of the victim was written as 16.04.2004. Occurrence took place on 18.11.2017. According to Material Ext.1, at the time of occurrence, age of the victim was about 13 years, 7 months and 2 days.

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Learned defence counsel pointed out that Material Ext.1 itself is not sufficient to prove the age of the victim. According to him, PW 2 clearly stated that she gave the date of birth of the victim to the school authority on assumption. Therefore, date of birth as stated by PW 2 to CW 1 is not reliable. Learned defence counsel further pointed out that the parents of the victim were not examined, though they were residing in the same village at the time of occurrence. PW 2 is the maternal aunt of the victim, who deposed that victim was residing with her for a period of 6 to 7 years. She knew her age but she stated the particular date of birth on assumption. If I believe the view given by learned defence counsel, then she deferred the date of birth for a period of more than 4 years which is not believable.

- 20. Learned defence counsel, in support of his argument placed reliance upon the following case laws:-
 - (i) Criminal Appeal No. 2308 of 2009 (Sunil v. State of Haryana)
 - (ii) Criminal Appeal No. 68 of 2018 (Sujoy @ Sanjay Laltu Chakravarty v. State of Maharashtra)
 - (iii) Criminal Appeal No. 08 of 2017 (Lal Bahadur Kami v. State of Sikkim)
 - (iv) 1988 AIR 1796 (Birad Mal Singhvi v. Anand Purohit)
 - (v) Appeal (Civil) 8585 of 2002 (Sushil Kumar v. Rakesh Kumar)
 - On the other hand, learned P.P. vehemently objected the point raised by learned defence counsel. According to learned P.P., Material Ext.1 is a conclusive proof regarding age of the victim. Learned P.P. pointed out that to determine age of a child, Court must have to follow the procedure laid down in Juvenile Justice Act where U/S 12 procedure was laid down to

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ascertain the age of a child conflict with law. In support of his submission, learned P.P. cited the following case laws:-

- (i) Criminal Appeal No. 1209 of 2010 (Jarnail Singh v. State of Haryana)
- (ii) Criminal Appeal No. 442 of 2010 (State of Madhya Pradesh v. Anoop Singh)
- 22. After going through the rival submissions advanced by learned counsel for both the parties and after perusing the cited case laws, supplied by them, I have found that in first case, supplied by defence, school certificate was obtained after the incident. Another point found in the said case is that certificate was not obtained from the school where victim first attended. Moreover, in said case, the person who made the admission of the victim was also not examined. It is also revealed from the certificate that she was reading for few days only in that school from which certificate was obtained.
- In second case submitted by learned defence counsel, I have found that the prosecution in said case exhibited the certificate obtained from High School and Junior College only. No certificate from the school first attended was exhibited to prove the age of the victim.
- In third case supplied by learned defence counsel, I have found that alleged age of the victim at the time of occurrence was about 17 years 8 months. In said case also prosecution did not examine the issuing authority of the certificate. Age of the victim was found in border line. In said case, another fact was revealed that age of the victim was proved by adducing documents from two sources. One showed the victim as minor and other showed the victim as major. Therefore, conflict arose between alleged date of birth of victim and age of the victim i.e. 17 years 8 months for which Court did not believe the certificate.
- 25. Other two cases are related with election matter. The candidate showed his age above 25 years but it was found by the returning officer as below 25 years. In this case, Hon'ble Supreme Court discussed the principles

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Special Judge Chirang, Kalaigaon regarding proof of contents of document and its admissibility U/S 35 of Evidence Act as follows: (1988 AIR 1796 Birad Mal Singhvi Vs. Anand Purohit)

- "3(a) To render a document admissible under section 35 of the Evidence Act three conditions must be satisfied, firstly, entry that is relied on must be one in a public or other official book, register of record, secondly, it must be an entry stating a fact in issue or relevant fact; and thirdly, it must be made by a public servant in discharge of his official duty, or any other person in performance of duty specially enjoined by law. [218]
- (b) An entry relating to date of birth made in the school register is relevant and admissible under section 35 of the Act, but the entry regarding the age of 3 person in a school register is of not much evidentiary value to prove the age of the person in the absence of the material on which the age was recorded. [21C]
- (c) Parents or near relations having special knowledge are the best persons to depose about the date of birth of a person. If entry regarding date of birth in the school's register is made on the information given by parents or someone having special knowledge of the fact, the same would have probative value. [20A]
- (d) The date of birth mentioned in the scholar's register has no evidentiary value unless the person who made the entry or who gave the date of birth is examined. [20B]
- (e) The entry contained in the admission form or in the scholar register must be shown to be made on the basis of information given by the parents or a person having special knowledge about the date of birth of the person concerned. If the entry in the scholar's register regarding date of birth is made on the basis of information given by parents, the entry

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would have evidentiary value and if it is given by a stranger or by someone else who had no special means of knowledge of the date of birth, such an entry will have no evidentiary value. [20C]

- I also agree with the view taken by Hon'ble Supreme Court in above cases. In present case at hand, I have found that Material Ext.1 was issued by a Govt. servant. He is the Headmaster of a school and it was maintained in a Govt. Register i.e. Admission Register. Therefore, Admission Register or Material Ext.1 are admissible according to Section 35 of Evidence Act. There is no doubt regarding admissibility of the document in present case at hand.
- After going through the case laws cited by learned defence 27. counsel, I have found that Hon'ble Supreme Court gave more emphasis regarding probability of date of birth inserted in Admission Register by the Headmaster of school. It was held that the person who first told the date of birth of the student to the school authority is a material witness. His or her evidence is very much necessary to ascertain the actual date of birth or probability of the date of birth inserted in admission register from which ultimately certificate was issued narrating the date of birth. According to Hon'ble Supreme Court, parents are the best persons who know about the date of birth of their children. In absence of parents, near relative is also competent person to tell the date of birth of a child. In present case at hand, PW 2, the informant is the maternal aunt of the victim. So, she knew about the age of the victim but in our case, PW 2 is a rustic village woman for which she could not tell the actual date of birth. Therefore, she told before the Court during her cross-examination that she had reported the date of birth of the victim on assumption. Learned defence counsel, on the basis of her said answer, vehemently argued before this Court that victim was not a minor at the time of occurrence and her age was above 18 years. More than 4 years cannot be presumed as differences in between date given by PW 2 and her actual date of birth. In present case, if I believe the point raised by learned defence counsel, then more than 4 years will be increased upon the certificate age of the victim which is not believable.

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- 28. Learned P.P. by citing case laws rightly pointed out that already Supreme Court decided that age of the victim or child shall be determined according to procedure laid down U/S 12 of Juvenile Justice (Care and Protection of Children) Act.
- 29. Hon'ble Supreme Court in the case of *Mahadeo S/o Kerba Maske Vs. State of Maharashtra and Anr.*, (2013) 14 SCC 637, has held that Rule 12(3) of the Juvenile Justice (Care and Protection of Children) Rules, 2007, is applicable in determining the age of the victim of rape. Rule 12(3) reads as under:

"Rule 12(3): In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the Court or the Board or, as the case may be, the Committee by seeking evidence by obtaining —

- (a) (i) the matriculation or equivalent certificates, if available; and in the absence whereof;
 - (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;
 - (iii) the birth certificate given by a corporation or a municipal authority or a panchayat;
 - (b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact assessment of the age cannot be done, he Court of the Board or, as the case may be, the Committee, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year.

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Special Judge Chirang, Kalaigani

and, while passing orders in such case shall, after taking into consideration such evidence as may be available, or the medical opinion, as the case may be, record a finding in respect of his age and either of the evidence specified in any of the clauses (a)(i), (ii), (iii) or in the absence of whereof, clause (b) shall be the conclusive proof of the age as regards such child or the juvenile in conflict with law."

30. The Hon'ble Supreme Court further held in paragraph 12 of *Mahadeo S/O Kerba Maske* (supra) as under:

"Under rule 12(3)(b), it is specifically provided that only in the absence of alternative methods described under Rule 12(3)(a)(i) to (iii), the medical opinion can be sought for. In the light of such a statutory rule prevailing for ascertainment of the age of the juvenile in our considered opinion, the same yardstick can be rightly followed by the courts for the purpose of the ascertaining the age of a victim as well."

31. The Hon'ble Supreme Court therefore relied on the certificates issued by the school in determining the age of the prosecutrix. In paragraph 13, the Hon'ble Supreme Court observed:

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"In light of our above reasoning, in the case on hand, there were certificates issued by the school in which the prosecutrix did her V standard and in the school leaving certificate issued by the school under Exhibit 54, the date of birth has been clearly noted as 20.05.1990 and this document was also proved by PW 11. Apart from that the transfer certificate as well as the admission form maintained by the Primary School, Latur, where the prosecutrix had her initial education, also confirmed the date of birth as 20.05.1990. the reliance placed upon the said evidence by the Courts below arrive at the stage of the prosecutrix to hold that the prosecutrix was below 18 years of

age at the time of occurrence was perfectly justified and we do not find any grounds to interfere with the same."

After going through the entire evidence on record and 32. discussion of the cited case laws, I have found that in present case at hand, both Headmaster, who issued the Material Ext.1, the certificate of L.P. School and the person who took the victim for admission were examined. Admission Register along with certificate book were also exhibited. According to said, document, the date of birth of the victim was shown as 16.04.2004. The Material Ext.1, the certificate was issued on 05.08.2015 prior to the incident. Occurrence took place on 18.11.2017. It is not believable that PW 2, in prediction of present incident wrongly told the date of birth to the school authority in the year 2011 which could decrease the age of the victim for a period of 4 years 5 months. This was the motive of the informant, this view cannot be treated as proper view. In present case at hand, I have found that victim was reading in Class VII. It is not revealed from the evidence on record that she failed in any class. It was stated in the FIR as well as in her later deposition by the PW 2 that age of the victim was about 14 years. Doctor also, from her clinical examination, opined that age of the victim was below 18 years. One of the witnesses stated the age of the victim as 15 to 16 years. No one admitted the suggestion given by learned defence counsel that age of the victim was above 18 years. So, considering all evidences including clinical evidence, documentary evidence and oral evidence, in my view, age of the victim was below 18 years on the date of occurrence. As victim was examined after 48 hours of the alleged incident, so, doctor found no any injury or spot upon the victim regarding sexual intercourse.

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33. Penetrative sexual assault is defined U/S 3 of POCSO Act as follows:

"3. Penetrative Sexual Assault.— A person is said to commit "penetrative sexual assault" if —

- (a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or
- (b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or
- (c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of the body of the child or makes the child to do so with him or any other person; or
- (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person."
- After going through the definition of penetrative sexual assault, it is found that a person is said to commit the offence if he penetrates his penis, to any extent. So, non-finding of any injury mark upon the private part of the victim itself is not sufficient to disbelieve the evidence given by the victim. So, in this regard, evidence given by victim is sufficient and she is found wholly reliable. So, it is found that victim was a minor on the date of occurrence and accused committed penetrative sexual assault upon her as narrated by the victim. So, offence U/S 4 of POCSO Act is proved against the accused beyond all reasonable doubt. Point mentioned above is remained as proved beyond all reasonable doubt. Accused is found guilty U/S 4 of POCSO Act.

Special Judge

ORDER

35. Prosecution proved the case U/S 4 of POCSO Act against the accused Dambal Mardi beyond all reasonable doubt. Accused is convicted U/S 4 of POCSO Act.

- 36. Heard the accused and his engaged counsel on point of sentence. Hearing is recorded in separate sheet and kept with the case record.
- 37. Accused pleaded mercy of the Court considering his tender age as well as his poor economic condition. It is also stated by the accused that this is his first offence.
- 38. I have found that this is the first offence committed by the accused because no previous conviction of the accused was proved by the prosecution during trial. I have also considered all mitigating circumstances as stated by the accused.
- 39. After considering all aspects, accused is sentenced to undergo rigorous imprisonment for a period of 7 (seven) years with a fine of Rs. 5,000/- (Rupees Five Thousand), in default, 6 (six) months R.I. Fine amount shall be given to the victim as compensation.
- 40. Accused is in jail. So, the period already undergone by the accused in jail shall be set off from the sentenced period as per provision of Section 428 CrPC. Accused is committed to the prison forthwith.
- 41. A copy of this Judgment and Order shall be furnished to the accused on free of cost. Another copy of this Judgment and Order shall be given to the District Magistrate, Chirang for information.
- 42. Given under my sign and seal of this Court on this the 30th day of July, 2018, at Kajalgaon, Chirang.

(D.J. Mahanta)

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Dictated and corrected by me,

(D.J. Mahanta) Special Judge,

chirang, Kajalgaon

APPENDIX

Prosecution witness:

PW 1 - Victim

PW 2 - Smt. Chundki Mardi

PW 3 - Sri Bodon Hembram

PW 4 - Sri Naiki Mardi @ Nikhil

PW 5 - Sri Supul Kisku

PW 6 - Dr. Meena Hazarika (M.O.)

PW 7 – SI Manoj Narzary (I.O.)

CW 1 – Sri Stephen Murmu

Exhibit (Prosecution):

Ext-1 Statement of the victim U/S 164 Cr.P.C.

Ext-2 Admission register of No. 831 Kumguri L.P. School

Ext-2(1) Entry regarding the admission of victim in Serial No. 29

Ext-3 Certificate book of No. 831 Kumguri L.P. School

Ext-3(1) Counter foil of Material Ext.1

Ext-4 Medical report

Ext-5 FIR

Ext-6 Sketch map

Ext-7 Seizure list

Ext-8 Charge-sheet

Material Exhibit (Prosecution):

Material Ext-1 School certificate of the victim

Defence Witness:

Nil

Defence Exhibit:

Nil

(D.J. Mahanta)
Special Judge,
Chirang.
Chirang.