#### IN THE COURT OF THE SPECIAL JUDGE AT JORHAT

Present:- Sri Vinod Kumar Chandak, M.A., M.Com, LL.B., AJS Special Judge, Jorhat

#### JUDGMENT IN SPECIAL CASE NO. 103 OF 2017 (G.R. Case No. 3577 of 2017) Jorhat P.S. Case No. 2587 of 2017

#### **Transmitting Magistrate:-**

Smt. Rani Boro, Chief Judicial Magistrate, Jorhat District

**State of Assam** 

-Versus-

Sri Rajib Gogoi, Son of Sri Rameswar Gogoi, Resident of Uma Kanta Path, P.S. Jorhat, District-Jorhat.

.... Accused

#### **APPEARANCES**:

For the State : Sri Muhidhar Dutta, Special P.P., Jorhat

For the Accused: Smt. Deepsikha Gayan, Learned Counsel, Jorhat

# CHARGE FRAMED UNDER SECTIONS 4/6/8 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Date of Charge : 30-01-2018

Date of prosecution evidence: 27-02-2018; 20-03-2018; 11-04-2018;

04-05-2018 & 31-05-2018

Statement of Accused

Recorded on : 27-06-2018 & 26-12-2018

Date of Argument : 14-11-2018 & 26-12-2018

Date of Conviction : 04-01-2019

**Date of Sentence Hearing &** 

Judgment : 05-01-2019

#### <u>JUDGMENT</u>

1). The prosecution story, in brief, is that Jorhat P.S. Case No. 2587/2017 under Section 4 of The Protection of Children From Sexual Offences Act, 2012 was registered on the basis of an F.I.R. lodged by Sri Joy Borah, father of the victim girl [hereinafter referred as 'X'].

In the aforesaid **F.I.R.** dated 03/12/2017 **[Exhibit-1]** the informant Sri Joy Borah [PW-3] who is the father of the victim girl [hereinafter referred as 'X'], alleged, *inter-alia*, that on 26/11/2017 while he left his minor daughter [X] in the custody of accused as he had to accompany his wife who had to be admitted at Jorhat Medical College & Hospital for her pregnancy. The accused in absence of family members of the informant as well as absence of his own wife in his residence (who had accompanied the informant on the relevant day to hospital alongwith his wife), the accused Sri Rajib Gogoi did bad things upon the minor daughter of the informant. It is further alleged by the informant in his ejahar that at the time of incident his daughter was aged about 5 years & 8 months.

On receipt of the aforesaid F.I.R. by the In-charge, Lichubari O.P. under Jorhat P.S., the same was entered in General Diary Register vide No. 48 dated 03/12/2017. The ejahar was sent to Jorhat P.S. for registration of a case under proper section of law. The Officer-in-charge, Jorhat P.S., upon receipt of the ejahar so filed by the informant, the same was registered as **Jorhat P.S.** Case No. 2587/2017 under Section 4 of The Protection of Children From Sexual Offences Act, 2012.

During the course of investigation, the victim girl was medically examined by the doctor, her statement under Section 164 of Cr.P.C. was recorded by the learned Magistrate. Police, on completion of investigation, filed charge-sheet in the case against the above named accused Sri Rajib Gogoi u/S. 4 of The Protection of Children From Sexual Offences Act, 2012 vide Charge-sheet No. 828/2017 dated 31/12/2017.

**2).** The copy was furnished to the accused in due course.

- **3).** Upon consideration of the record of the case and the documents submitted therewith and after hearing the submissions of the accused and the prosecution in this behalf, charges were framed against the accused Sri Rajib Gogoi under Sections 4/6/8 of The Protection of Children from Sexual Offences Act, 2012. Charges were read over and explained to the accused, to which, he pleaded not guilty and claimed to be tried.
- **4).** During the course of trial, **9 [nine]** numbers of witnesses including the victim, informant, his wife Smt. Pompy Bora, as well as wife of accused namely Smt. Lakhya Jyoti Gogoi, the Medical Officer and the I.O. were examined on behalf of the prosecution, to prove the charge framed against the accused.

On completion of prosecution evidence, statement of above named accused was recorded u/S. 313 of Cr.P.C. The accused stated that on the relevant day the parent of victim kept the victim at his house forcibly and took his wife alongwith them. As he do not have any child of his own so he kept the victim out of love and affection. Parent of victim demanded money from him and lodged the instant case on his failure to pay the amount. The accused pleaded innocence. One witness was adduced by the accused in his defence.

It may be mentioned herein that earlier argument was heard on 14/11/2018. However, on 22/11/2018, the learned Special Public Prosecutor, Jorhat, prayed to examine the learned Judicial Magistrate who recorded statement of the victim girl. Accordingly, learned Judicial Magistrate was examined through Video Conferencing on 14/12/2018 and accused was examined further under Section 313 of Cr.P.C. Argument was heard afresh on 26/12/2018.

- I have heard Sri Muhidhar Dutta, learned Special Public Prosecutor for the State as well as Smt. Deepsikha Gayan, learned Defence Counsel for the accused who is facing trial for commission of offence u/S. 4/6/8 of The Protection of Children From Sexual Offences Act, 2012.
- **6).** Now the points for determination before this Court are as follows:-

- 1) Whether on 26/11/2017, prior to the date of filing of the ejahar by the informant on 03/12/2017, the accused committed penetrative sexual assault upon the minor daughter of the informant and thereby committed an offence punishable under Section 4 of The Protection of Children From Sexual Offences Act, 2012?
- 2) Whether on the date of occurrence accused Sri Rajib Gogoi committed aggravated penetrative sexual assault upon the victim girl and thereby committed an offence punishable under Section 6 of The Protection of Children From Sexual Offences Act, 2012?
- 3) Whether on the date of occurrence the accused Sri Rajib Gogoi committed sexual assault upon the minor daughter of the informant in his rented premise and thereby liable for committing an offence punishable under Section 8 of The Protection of Children From Sexual Offences Act, 2012?

#### **DISCUSSION, DECISIONS AND REASONS THEREOF:**

**7).** First of all, let us see what are the relevant provisions of law as far as charged sections are concerned.

#### THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Section-4 - Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

Section-6 — Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

Section-8 – Whoever, commits sexual harassment upon a child shall be punished with imprisonment for a term which shall not be less than three years and which may extend to five years and shall also be liable to fine.

**8).** To decide the above points and sections of law we will have to examine, analyze and appreciate the evidence of the witnesses along with the relevant documents.

The **victim [PW-1]** divulged during her testimony that on the date of incident her mother went to the hospital to bring her younger sister. She stayed with the accused in his house. It is further stated by the victim that her father also accompanied her mother. Further version of the victim is that in the house of accused, the later, parted her legs and inserted his fingers in her private part, for which, her private part became wet due to discharge. Further version of the victim is that the accused also threatened her with dire consequence directing her not to divulge the fact before her parent. For the night she stayed in accused's house. On the next day morning, Joon Bora, who is her uncle took her from the house of accused. It is further stated by the victim that when the accused committed the aforesaid crime upon her, the accused asked her whether she is feeling good or not. The accused removed her panty at the time of commission of the crime. It is stated by the victim that accused fingered her fastly for which she felt pain. This witness stated that after release of her mother from the hospital and when her mother returned back home she narrated the incident before her mother. She gave statement before the learned Magistrate wherein she put her thumb impression over the statement [Exhibit-5]. It is further version of the victim that police took her before a doctor for medico legal check-up.

She stated in her cross-examination that accused is a bad person. It is further deposed by the victim that when her mother noticed the panty she found it dirty and asked her about the incident. Victim further stated that her panty became white for the aforesaid incident. She denied defence suggestion put to her during cross-examination, more particularly, that due to previous enmity with the accused they had lodged false case against him.

The evidence of the victim could not be shaked by the defence. Moreover, no question was put to the victim regarding statement given by her before the learned Magistrate under Section 164 Cr.P.C.

9). The evidence of **Smt. Pompy Bora** [PW-2] who is the mother of victim is in the same tune as that of her daughter [PW-1]. It is further stated by this witness that she came to know from the victim that the accused had committed sexual assault upon her and thereafter the accused threatened her with dire consequence and asked her not to divulge the fact to anyone. After coming to know about the incident, she called the wife of accused and disclosed before her about the incident. She then called the accused and questioned him about the incident but the later [accused] stated that he had not committed any bad act upon the daughter of victim.

During cross-examination, she stated that she was discharged from the hospital on 29/11/2017. Her mother-in-law stated before her that the panty of victim [PW-1] was dirty and hence she had washed it. The whitish discharge/semen had become dry on the panty of the victim. This witness categorically stated that on 30/11/2017 she noticed the panty of victim in dirty condition. She denied defence suggestion that due to previous grudge with the accused her husband had lodged false case against the later through her daughter.

**10). PW-3** is **Sri Joy Bora**, who is the father of the victim girl-cuminformant of the case. This witness during his deposition in Court stated that on the date of incident his pregnant wife got admitted at Jorhat Medical College & Hospital for delivery. The wife of accused also accompanied them to the hospital on being telephoned by his wife. The wife of accused told before them that they shall give custody of their daughter to the accused. As per request of the wife of accused as well as his wife he directed the victim [PW-1] to reside in accused's house. On 29/11/2017 or 30/11/2017 his wife was discharged from the hospital. On the next day morning his daughter went to the bathroom and he noticed her panty in dirty condition. He then questioned his daughter but she did not disclose him anything. When his wife asked his daughter then only he came to know that

on the date of incident the accused parted the legs of the victim, inserted his finger in her private part, for which, whitish discharge came out of the private part. The accused also sucked the private part of the victim. Wife of accused was called by his wife. His wife disclosed the incident before the wife of accused, who, in turn, called the accused and asked about the incident. To the query, the accused stated before them that he had not committed any bad act upon the victim. He then lodged ejahar before police vide Exhibit-1 wherein Exhibit-1 [1] is his signature.

During cross-examination, he stated that he did not state in the ejahar that the panty of his daughter was dirty.

as her mother. This witness divulged during evidence that one Bonti Bora informed her that her son and wife went to Jorhat Medical College & Hospital in connection with delivery of a child. The wife of accused also accompanied them to the hospital. It is further version of this witness that victim was kept in the custody of accused at night in his house. She then came to know that the accused had put his fingers in the private part of the victim.

During cross-examination, she stated that she came to know about the incident from her sister. She did not witness the incident and does not have any personal knowledge about the incident.

The evidence of **Smt. Bonti Borah [PW-5]** who is the mother of informant [PW-3] divulged during her testimony that on the date of incident her son, i.e., the informant took his wife to the hospital for delivery of their daughter. Their daughter was kept in the custody of accused. She visited the hospital at about 12 A.M. and then returned back home in the morning hours. While washing the panty of her granddaughter [PW-1] she found some foul materials in the panty of victim and told the same to the mother of victim. Mother of victim asked the victim about the same. At that time she came to know that the accused had done bad act which the later [accused] should not have done with a girl of that age. It is further version of the victim that the accused inserted his finger in the private part of victim.

During cross-examination by defence side, she divulged that she washed the panty of victim and did not show the same to the mother of victim. The victim herself narrated the incident before her mother. This witness admitted that police sent the victim for her medical examination by a doctor.

13). Smt. Lakhi Jyoti Gogoi [PW-6] is the wife of accused. This witness is a star witness to the incident. Evidence of this witness goes to show that after seven days of incident the mother of victim narrated the incident before her that the accused had committed bad behaviour with the victim who was present in her house on the relevant day alongwith her husband, i.e., the accused. It is further version of the wife of accused that mother of victim informed her that some white materials had been found in the panty of the victim. This witness admitted that on the date of incident she went to the hospital alongwith the mother of victim as the later was pregnant and needed to be hospitalized.

This witness during cross-examination by defence side stated that she does not believe that her husband, i.e., the accused had done the alleged offence. She categorically stated that her husband, i.e., the accused, had been falsely implicated by the parent of the victim in the instant case.

**14).** Evidence of **Sri Rekhav Raj Gogoi [PW-7]** is to the effect that 3/4 months back wife of the accused telephoned him that accused had been arrested by police. Further, wife of accused told the allegation against the accused before him.

This witness during cross-examination by defence side disclosed that he does not have any personal knowledge about the incident.

**15). Sri Uttam Borah [PW-8]**, investigating officer, deposed during his testimony about the routine steps taken by him during investigation of the case after ejahar being lodged by the informant before the Officer-in-charge, Jorhat P.S. on 03/12/2017. The I.O. further stated that during investigation he visited the place of occurrence and drew Sketch Map of the place of occurrence with index vide Exhibit-2 wherein Exhibit-2 [1] is his signature. The accused was

arrested on 05/12/2017 in connection with the case. On completion of investigation, he submitted charge-sheet in the instant case against the accused after finding incriminating materials in the case diary vide Exhibit-3 wherein Exhibit-3 [1] is his signature.

During cross-examination, he stated that he did not seize any article during investigation.

**16). Dr. Ritu Saikia [PW-9]** examined the victim on 04/12/2017. As per her opinion, victim 'X' was above 6 years and below 8 years of age; no evidence of recent sexual intercourse detected on the person of victim; no evidence of pregnancy detected.

In her report, the doctor disclosed in Genital Examination of victim as follows:

Genital organs, perineum, vulva:- Purulent discharge seen in the vulva with reddish discolorant and swelling of vulva. Patient referred to gynae and pediatrics O.P.D. for treatment and investigation.

She exhibited the medical report as Exhibit-4 and her signatures as Exhibit-4 [1] to Exhibit-4 [3].

The Medical Officer [PW-9] in her cross-examination divulged that whitish discharge may occur due to infection also. But it is interesting to note herein that defence did not put any question before the M.O. regarding swelling of vulva.

17). From a close perusal of the evidence on record it is seen that in the statement of the victim [PW-3] who is the star witness of the instant case has stated that on the date of incident her mother went to the hospital to bring her younger sister. She stayed with the accused in his house. It is further stated by the victim that her father also accompanied her mother. Further version of the victim is that in the house of accused, the later parted her legs and inserted his fingers in her private part, for which, her private part became wet due to discharge. Further version of the victim is that the accused also threatened her with dire consequence directing her not to divulge the fact before her parent. For the night she stayed in accused's house. On the next day morning Joon Bora who

is her uncle took her from the house of accused. It is further stated by the victim that when the accused committed the aforesaid crime upon her, the accused asked her whether she is feeling good or not. The accused removed her panty at the time of commission of the crime. It is stated by the victim that accused fingered her fastly for which she felt pain. This witness stated that after release of her mother from the hospital and when her mother returned back home she narrated the incident before her mother. She gave statement before the learned Magistrate wherein she put her thumb impression over the statement. It is further version of the victim that police took her before a doctor for medico legal check-up.

She stated in her cross-examination that accused is a bad person. It is further deposed by the victim that when her mother noticed the panty she found it dirty and asked her about the incident. Victim further stated that her panty became white for the aforesaid incident.

- **18).** Learned counsel for the accused has argued that the parent of the victim had enmity with the accused and hence the father of victim [PW-3] lodged false case against the accused. It is further contended that the victim had been tutored by her parent to depose against the accused.
- **19).** The accused during his statement under Section 313 Cr.P.C. had taken the plea that he has been falsely implicated in the instant case by the informant as he failed to pay the demanded money from the side of informant [PW-3].
- **20).** Accused adduced evidence of **Sri Nobojit Borah [DW-1]** who during his evidence stated that when he came to know about the fact that victim had been forcibly kept by her parent in the house of accused, he obstructed the accused not to allow the victim to stay at his house.

During cross-examination by prosecution side, this witness stated that he talked with the accused over telephone on the night of incident. He stated that police did not record his statement. Evidence of this defence witness does not hold water to the plea taken by the accused as the former did not utter any word regarding demanding of money by the parent of the victim from the accused.

- 21). It is an admitted fact that the investigating officer of the instant case has not seized any birth certificate or school certificate of the victim from her parents to prove that the victim is a child/minor less than 18 [eighteen] years as on the date of commission of offence. In the case of <code>Jarnail Singh -versus-State of Haryana, Criminal Appeal No. 1209/2010 decided on 01/07/2013</code>, the Hon'ble Apex Court held that Rule 12 of Juvenile Justice [Care and Protection of Children] Rules, 2007 would be applicable while determining age even for child, who is <code>victim</code> of the crime. The said rule is as follows:
  - "12. Procedure to be followed in determination of age.
  - i. ......
  - ii. ......
  - iii. In every case concerning a child or juvenile in conflict with law, the age of 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 date of birth certificate from the school [other than a play school] first attended; and in the absence whereof;
      - [ii] the birth certificate given by a Corporation or a Municipal Authority or a Panchayat;
      - [iii] the Matriculation or equivalent certificates, if available;
    - 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, the Court or 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 and, while passing orders in such case shall, after taking into consideration such evidence as may be juvenile, or the medical opinion, as the case may be, record a finding in respect of his/her age and either of the evidence

specified in any of the clauses [a] [i], [ii], [iii] or in the absence whereof, clause [b] shall be conclusive proof of the age as regards such child or the juvenile in conflict with law.

- 22). In the present case, since document as prescribed under rule 12 (3) (a) are not available, the prosecution has relied upon Exhibit-4, the report of doctor Ritu Saikia [PW-9], according to which, the age of the victim ['X'] was above 6 years and below 8 years. There is nothing placed on record to create a doubt about the bone/medical age of the victim child as determined by the Medical Officer. From the cross-examination of the doctor it is no where seen that the opinion regarding age of the victim was not a conclusive report. So, as per Section 2 (d) of The Protection of Children From Sexual offences Act, 2012, the victims are below 18 [eighteen] years of age at the time of incident.
- **23).** It is a well settled law that the conviction on the sole evidence of a child witness is permissible, if such witness is found competent to testify and the court, after careful scrutiny of its evidence.

In the case of *Datttu Ramrao Sakhare-versus-State of Maharashtra*, reported in [1997] 5 SCC 341, the Hon'ble Apex Court has held that — "A child witness if found competent to depose to the facts and reliable one, such evidence could be the basis of conviction. In other words, even in the absence of oath, the evidence of a child witness can be considered under Section 118 of Indian Evidence Act, provided that such witness is able to understand the questions and able to give rational answers thereof. The evidence of a child witness and credibility thereof would depend upon the circumstance of each case. The only precaution which the court should bear in mind while assessing the evidence of a child witness is that the witness must be reliable one and his/her demeanor must be like any other competent witness and there is no likelihood of being tutored".

24). In another case, i.e., *Pancchi –versus- State of Uttar Pradesh, AIR 1998 SC 2726*, the Hon'ble Apex Court has held that – "It is not the law

that if a witness is a child, his/her evidence shall be rejected, even if it is found reliable, The law is that evidence of a child witness must be evaluated more carefully and with greater circumspection because a child is susceptible to be swayed by what others tell them and this child witness is easy prey to tutoring".

- 25). The ratio as laid down in the above case is that the testimony of a child witness is attributed the same kind of credibility that it attached to the statement of any other witness if the testimony is consistent. In the present case, the victim "X" [PW-1] has been consistent on the material particulars with regard to the incident. Further, there is full corroboration by other witness, i.e., PW-2, PW-3, PW-5 & PW-6.
- Though it was argued on behalf of the accused that he has been falsely implicated in the instant case by the parent of victim due to enmity or any other reason. In the light of the evidence of the victim [PW-1] as well as other witnesses, i.e., PW-2, PW-3, PW-5 and PW-6, this court can presume under Section 29 of The Prevention of Children From Sexual Offences Act, 2012 that it was the accused, who had committed sexual assault upon the victim and sexual intent required as per Section 7 of POCSO Act, 2012 can also be presumed in the light of Section 30 of the Act. It was for the accused to rebut that neither he had any sexual intent nor he had committed the offence by proving to the contrary. No evidence was led by the accused in his defence to prove his innocence. On the contrary, the defence put forwarded by the accused in this case is not consistent and therefore, same is required to be disbelieved.
- 27). The accused Manik Dutta was charged under Sections 4/6/8 of The Protection of Children From Sexual Offences Act, 2012. However, from the evidence tendered by the victim [PW-1] it can be safely presumed that the offence committed by the accused falls under Section 7 of the Act which reads as follows:
- **7. Sexual assault** Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or

breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

- **28).** The punishment for sexual assault is laid down under Section 8 of The Protection of Children From Sexual Offences Act, 2012 which states as follows:
- **8. Punishment for sexual assault** Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.
- am of the opinion that prosecution has proved the case against accused Rajib Gogoi under Section 7 of the POCSO Act, 2012 and he is liable to be punished as per provision of Section 8 of the Act. Hence, the accused is convicted under Section 7 of The Protection of Children From Sexual Offences Act, 2012.

Special Judge, Jorhat

## **SENTENCE HEARING TAKEN ON 05/01/2019**

- **30).** Accused Sri Rajib Gogoi is heard on the point of sentence. The accused has submitted that he has his wife and there is none to look after them in his absence. Further, he was never prosecuted in any other criminal case, prior to the case in hand. Hence, the accused prayed for leniency.
- **31).** I have heard Smt. Deepsikha Gayan, learned Defence Counsel for the accused as well as Sri Muhidhar Dutta, learned Special Public Prosecutor, Jorhat.

Accused **Sri Rajib Gogoi** is sentenced to undergo **RIGOROUS IMPRISONMENT** FOR **4** [four] years and also to pay a fine of **Rs. 1,000/-**[**Rupees One Thousand**], in-default of payment of fine, to suffer **RIGOROUS** 

**IMPRISONMENT** for **1 [one]** month. I am of considered opinion that considering the nature of offence, this sentence shall do justice.

The period of detention already undergone by the accused during investigation and trial shall be set off from the period of imprisonment imposed on him.

**32).** Now coming to the aspect of compensation to the victim, who is a minor girl, the Hon'ble Apex Court has time to time observed that subordinate courts trying the offences of sexual assault have the jurisdiction to award the compensation to the victims being an offence against the basic human right and violative of Article 21 of the Indian Constitution.

In the case of **Bodhisattwa Gautam –versus- Subhra Chakraborty, AIR 1996 SC 922,** it has been held by the Hon'ble Apex Court that the jurisdiction to pay compensation has to be treated to be a part of the overall jurisdiction of the courts trying the offences of rape, which is an offence against basic human rights as also the Fundamental Rights of Personal Liberty & Life.

**33).** The concept of welfare and well being of children is basic for any civilized society and this has a direct bearing on the state of health and well being of the entire community, its growth and development. It has been time and again emphasized in various legislations, international declarations as well as the judicial pronouncements that the Children are a "supremely important national asset" and the future well being of the nation depends on how its children grow and develop.

Therefore, in order to provide restorative and compensatory justice to the victim, I hereby direct the learned **Secretary, District Legal Services Authority, Jorhat,** to grant adequate compensation to the victim [PW-3]. The said amount shall be for her welfare.

**34).** Free copy of the judgment be furnished to the accused immediately.

Another copy of this judgment be sent to the learned District Magistrate, Jorhat, as well as to the learned Secretary, D.L.S.A., Jorhat, for information.

**35).** Given under my hand and seal of this Court on this **05th** day of **January 2019**.

Special Judge, Jorhat

**Continued to Page No:-17** 

## **ANNEXURES:-**

# **PROSECUTION WITNESSES:-**

PW-1	Victim 'X'
PW-2	Smt. Pompy Bora, mother of victim.
PW-3	Sri Joy Bora, father of victim-cum-informant of the case.
PW-4	Smt. Rupanjali William, daily labour.
PW-5	Smt. Bonti Borah, daily labour.
PW-6	Smt. Lakhi Jyoti Gogoi, housewife-cum-wife of accused.
PW-7	Sri Rekhav Raj Gogoi, businessman.
PW-8	Sri Uttam Borah, I.O. of the case.
PW-9	Dr. Ritu Saikia who conducted medico legal examination upon the victim.

## **COURT WITNESS:- NIL**

## **EXHIBITS FOR THE PROSECUTION:-**

Exhibit-1	Ejahar
Exhibit-2	Sketch map of the place of occurrence with index
Exhibit-3	Charge-sheet
Exhibit-4	Medico legal report of victim

## **DEFENCE WITNESSES:- SRI NOBOJIT BORAH [DW-1]**

Special Judge, Jorhat.

# **Typed & transcribed by:**

Sri Mrinal Jyoti Bora, (Stenographer Grade-I)