CAUSE TITLE POCSO Case No. 49/15

Informant: Sri Sangita Rabidas,

W/o- Late Sunil Rabidas,

R/o- Khowang Bagan, Near Old Post Office,

PS- Khowang, District- Dibrugarh.

Accused: Sri Amit Kalondi @ Neula,

S/o- Late Jiten Kalondi,

R/o- Khowang Bagan, Near Old Post Office,

PS- Khowang, District- Dibrugarh.

ADVOCATES:-

For the State: Mrs. Runumi Devi, learned Public Prosecutor.

For the Defence: Mr. A Rob, learned Legal Aid Counsel.

IN THE COURT OF THE SESSIONS JUDGE: DIBRUGARH

Present: Smti. SP Khaund, (MA Economics, LLB),

Sessions Judge, Dibrugarh.

> POCSO Case No. 49/15 G.R. Case No. 1199/15

> > State of Assam

-Vs-

Sri Amit Kalondi @ Neula

Charges: Under Section 6 read with Section 5(m) POCSO Act.

Date of evidence on : 28-06-16, 14-09-16, 03-11-16, 27-03-17, 31-05-17 &

23-06-17.

Date of argument : 07-07-17. Date of Judgment : 04-08-17.

JUDGMENT

- 1) The factual matrix of this case in compendium is that on 08-05-15, at about 4:00 pm, Sri Amit Kalondi @ Neula (hereinafter the accused) committed rape on the three and half year old victim X. After the incident, the accused fled. An ejahar regarding this incident was lodged by the victim's mother Smti. Sangita Rabidas (hereinafter the complainant). The ejahar was registered as Khowang PS Case No. 21/15 under Sections 376(2)(f) of the Indian Penal Code (IPC in short) read with Section 4 of the Protection of Chidren from Sexual Offences Act, 2012 (hereinafter the POCSO Act). The SI Pratap Sena was endorsed with the investigation.
- 2) The investigating officer (IO in short) swung into action and embarked upon the investigation. He forwarded the victim to the Magistrate for recording her statement under Section 164 of the Code of Criminal Procedure (CrPC in short). He also forwarded the victim to the medical officer (MO in short) for medical examination. He recorded the statements of the victim and other witnesses. He went to the place of occurrence and prepared the Sketch-Map. On finding prima facie materials against the accused, he submitted Charge-Sheet under Section 376(2)(f) IPC read with Section 4 of the POCSO Act.
- 3) On appearance of the accused, copies were furnished and after hearing both

the sides, a formal charge under Section 6 read with Section 5 of the POCSO Act was framed by my learned predecessor and the particulars of the offence was read over and explained to the accused. The accused abjured his guilt and claimed innocence.

- 4) To substantiate the stance, the prosecution adduced the evidence of eleven witnesses including the MO and the IO and also exhibited several documents. The defence cross-examined the witnesses to refute the charges.
- 5) The accused was questioned on every incriminating circumstances against him. However, his plea was of total denial. He did not tender any evidence in defence.

SUBMISSIONS:

6) The learned Public Prosecutor Smt. Runumi Devi submitted that this is an open and shut case as there is clinching evidence against the accused. She has emphatically submitted that considering the diabolical nature of this case, stringent punishment ought to be inflicted on the accused. On the other hand, the learned defence counsel Mr. A Rob submitted that the victim and the star witness failed to incriminate that the accused had committed penetrative sexual assault on the victim X.

POINTS FOR DETERMINATION:

- 7) On the backdrop of the rival proponements urged at the bar, the following points are apposite for determination:
 - 1. Whether the accused committed penetrative sexual assault on the minor victim X?

DECISION THEREON AND THE REASONS FOR THE DECISION:

- 8) To decide the case in its right perspective, it is necessary to delve into the evidence.
- 9) The important witnesses of this case are the victim X and her sister Smti. Priya Rabidas.
- 10) The victim deposed as PW-6. Several questions were asked to the victim and after assessment of the answers of the victim, her evidence was recorded with a remark that the victim could give rational answers. The victim was a student of Class-KG when she gave her evidence. Oath was not administered, because it was apparent that she was a minor being a student of Class-KG. My learned predecessor assessed the age of the victim to be around 5 or 6 years.

- 11) The victim X stated that the accused is known to her. At the time of the occurrence, she was staying with her mother and sister at Bagan Tiniali in Khowang. On the day of the incident, her mother went out for work and she was in the house with her elder sister Priya. As she was not well, she was sleeping. At that time, the accused came and removed her panty and touched her private part and did something with her leg.
- 12) The Court noted down the observation that the child could not properly describe the act of the accused.
- 13) PW-6 further stated that she cried out loudly and hearing her cries, her elder sister came in and the accused fled away. Then she narrated the incident to her mother. As she sustained injury on her body, her mother took her to the hospital. She sustained injuries on her private part, hand and legs. She was examined by the doctor at Assam Medical College & Hospital, Dibrugarh. She narrated about the incident to the police and also to the Magistrate. Her cross-examination is not noteworthy.
- 14) The evidence of the PW-6 is supported and corroborated by the evidence of her elder sister Smti. Priya Rabidas. She gave her statement as PW-5. She was questioned by the Court for assessment of her intelligence and after assessment of her answers, it was held that she could give rational answers. She gave her age as 10 years and so oath was not administered and her statement was recorded. Priya Ravidas mentioned in her statement as PW-5 that the accused Neula is known to her. It is apt to mention at this stage that the accused Sri Amit Kalondi's other name is Neula. On the day of the incident, she returned home from school in the evening and after taking her meal, she went outside to wash the utensils. At that time, her younger sister X was sleeping on the bed as she was not well. When she came in, she noticed Neula was lying atop her younger sister with his pant removed. She also noticed that her younger sister was crying and asking the accused to go and her younger sister was saying 'Ja...'. Then she immediately went to the owner's house to inform about the incident. The owner returned with a stick and by the time, the accused fled away. At the time of the incident, she was alone at home with her younger sister, because her mother was out on work. She informed about the incident to the accused person's sister. After a while, her mother returned from work and she also informed her mother about the incident. Her mother took her younger sister for treatment as her

- sister sustained injuries on her body. On the same day, she, her younger sister and her mother went to the police station. She was also forwarded to the Magistrate for recording her statement.
- 15) In her cross examination, she stated that she did not inform about the incident to Sitaram who was the owner of their rented house.
- 16) At this stage, it is pertinent to mention that both the sisters did not state that the accused committed penetrative sexual assault on X. It is true that the accused removed his trousers and he climbed atop X's body, but both X and her sister did not describe the act of the accused with clarity. At the same time, it is evident that the accused sexually harassed the victim, because his trousers were removed at the time and he suffocated the victim and she also sustained injuries as a result of the incident.
- 17) The evidence of PW-5 & 6 is supported and corroborated by their mother's evidence. Smti. Sangita Rabidas is the victim's mother and she testified as PW-7 that the incident occurred about a year back, after a month of her husband's death. At that time, they were staying in a rented house let out by the owner Sri Sitaram Ravidas at Bagan Tiniali. On the day of the incident, she went out for work and her daughters X and Priya were alone in the house. She returned home at about 5:30 P.M. and her landlord Sitaram informed her that the accused went to her house in an inebriated state and committed rape on her daughter X in her house. At that time, she noticed that her daughter was weeping in a corner of the room and her elder daughter informed her that the accused committed misdeed with her daughter while her daughter X was sleeping on the bed as she was not well. She noticed that her daughter was weeping and she noticed blood stains on her daughter's panties and injury on her private parts. Then she took her daughter to the Khowang TE Hospital, but the doctor forwarded her to the government dispensary. She went to the Khowang Dispensary, but the doctor refused to provide treatment to her daughter and asked her to inform the Khowang Police Station. She went to the Khowang Police Station along with a person from the Khowang Tea Estate and lodged an FIR with the police narrating the incident. Then she again came to the Khowang Dispensary where the doctor provided first aid treatment to her daughter. On the next morning, she went to Khowang Police Station where police recorded her statement along with her daughter's statement. Her daughter was forwarded

to the Assam Medical College and Hospital, Dibrugarh for medical examination. On the next day, the police took her daughter to the Magistrate for recording her statement. Her daughter was 7 years at the time of the incident. She handed over the frock and panty worn by her daughter to the police. Her landlord Sitaram died about a month ago.

- 18) In her cross examination, she stated that she learnt about the incident from Sitaram Rabidas. The FIR was written by a person at Khowang Police Station and she did not know the name of the scribe.
- 19) The evidence of PW-7 is fortified by the evidence of the medical officer Dr. Nibedita Shyam. She testified as PW-4 that on 09-05-15, she examined the victim X who was brought for medical examination in connection with this case. The victim was accompanied by a woman constable and her mother.
- 20) The case history recorded by her was that and victim's mother informed her that on 08-05-15, at about 4 p.m., the victim X was sleeping in the house, because she was not well and her elder sister was washing dishes on the back yard. At that time, the accused entered into their house and had sexual intercourse with the victim. The accused pulled the girl to the floor from the bed and forcefully had sexual intercourse with her and her elder sister Priya Rabidas saw her sister crying and then the accused fled away.
- 21) The medical officer PW-4 further testified that her findings were as follows:

On genital examination: Genital organs are well developed. Vulva is healthy. Hymen tear present at 6 O' clock position. Margins of which are reddened and oedematus and tender on touch. No active bleeding seen. Vagina is healthy and rugosed. Vaginal smears were taken on glass slides from around the vagina. The result of which does not show any spermatozoa.

- 22) On the basis of physical examination, radiological and laboratory investigation done on the victim, the doctor was of the opinion that:
 - 1. Evidence of recent sexual intercourse not detected on her person. However, findings are suggestive of forceful vaginal penetration;
 - 2. Evidence of injury detected on her private parts as described in 20(c) and age of the injury was approximately 12-24 hours.
 - 3. Her age was 4-5 years at the time of examination.
- 23) The evidence of PW-7 and PW-4(MO) is also supported and corroborated by

the evidence of PW-1. The Scientific Officer of the Directorate of Forensic Science, Kahilipara, Guwahati, Sri Sankar Chandra Rabha testified as PW-1 that on 19-05-15, he found a parcel sent through Director in connection with Khowang PS Case No. 21/15 under section 376(2)(f) read with Section 4 of the POCSO Act. The parcel was sealed and consisted of a large sized paper envelope consisting of three exhibits and sealed by the Additional Superintendent of Police, Dibrugarh. After opening the parcel, he found the following:

- 1. One multi coloured half pant contains stain of suspected semen. Serial No. 1 MR No. 29/15. MR No. Sero 3512/A;
- 2. One pink colour panty contains stain of suspected blood and semen. Serial No. 2 MR No. 22/15. MR No. Sero 3512/B;
- One multi coloured frock contains stain of suspected semen.
 Serial No. 3 MR No. 22/15. MR No. Sero 3512/C
 Result of examination:
 - 1. Ext. No. Sero 3512/A Sero 3512/C, gave positive test for human semen and negative test for blood;
 - 2. Ext. No. Sero 3512/B gave positive test for human blood and semen.
- 24) The evidence of PW-1, 4 & 7 is also supported and corroborated by the evidence of the IO. SI Pratap Sena testified as PW-11 that on 08-05-15, he was posted at Khowang Police Station as Attached Officer. On that day, the complainant lodged an ejahar with the police which was registered as Khowang PS Case No. 21/15 under section 376(2)(f) IPC read with section 4 of the POCSO Act and he was endorsed with the investigation by SI Raju Gogoi. Ext. 6 is the FIR and Ext. 6(2) is the signature of SI Raju Gogoi which is familiar to him. He recorded the statements of the complainant and the victim girl X in the police station and forwarded the victim to Khowang PHC for her medical examination. He also forwarded the victim X to the Magistrate for recording her statement under section 164 CrPC. He went to the place of occurrence and prepared the sketch map. Ext. 7 is the Sketch-Map and Ext. 7(1) is his signature. He found the accused person in the place of occurrence and apprehended him and brought him to the police station. He forwarded the accused person for medical examination. On 09-05-15, he forwarded the victim to the Assam Medical College and Hospital, Dibrugarh for examination.

On that day, the victim was produced before the CWC, Dibrugarh. He also seized the undergarments of the accused and the victim and recorded the statements of the seizure witnesses. Ext. 2 is the Seizure List and Ext. 2(3) is his signature. Ext. 8 is the Seizure List through which he seized the inner garments and frock of the victim and Ext. 8(1) is his signature. Material Ext. 1 is the pink coloured panty of the victim and Material Ext. 2 is the white coloured frock which he seized from the victim on being produced by the victim's mother Smti. Sangeeta Rabidas. Material Ext. 8 is the red and black chequered underwear of the accused which he seized from the accused vide Ext. 2 where Ext. 2(3) is his signature. He also recorded the statement of the witness Priya Rabidas and forwarded her to the Magistrate for recording her statement under section 164 CrPC. He recorded the statement of witnesses in the place of occurrence. He forwarded the accused to the Court for recording his confessional statement, but the accused denied to confess. He collected the FSL Report from Guwahati and also the Medico Legal Report of the victim. On finding prima facie materials, he submitted Charge-Sheet against the accused. Ext. 9 is the Charge-Sheet and Ext. 9(1) is his signature.

- 25) It is clear from the evidence of the IO that he seized and undergarments of the victim vide Ext. 8 where Ext. 8(1) is his signature. The undergarments were seized in presence of the victim's mother who affixed her thumb impression. Pink panty and white frock described in the Seizure-List were exhibited in the Court. These exhibits were identified by the IO in the court as Material Ext. 1 & 2. The Material Ext. 1 & 2 were forwarded to the scientific officer which is described as item No. 2 and Serial No. 2 MR No. 22/15, Sero 3512/B and item No. 3 at Serial No. 3 MR No. 22/15 and Sero No. 3512/C. The item No. 2 at Sero No. 3512/B, i.e., Pink panty and white frock tested positive for human blood and semen.
- 26) The red checkered Hanes underwear of the accused person seized vide Ext. 2 was exhibited by the IO as Material Ext. 3 is identified by the scientific officer PW-1 as item N. 1 at Serial No. 1 MR No. 29/15 and Sero No. 3512/A and this item, i.e., red checkered underwear tested positive for human semen and negative for blood.
- 27) Ext. 2 was seized by the IO in presence of witnesses Bhuban Ghatowar and Soniram Rabidas. Bhuban Ghatowar testified as PW-8 and identified his signatue on the Seizure List as Ext. 2(1).

- 28) Bhuban Ghatowar testified that Sangeeta Rabidas was a tenant near his house. The alleged incident took place about a year ago. On the day of the incident, he heard from the neighbourers that the police apprehended the accused in connection with the allegation of rape on the victim. During investigation, the police seized the undergarments of the victim in his presence and he affixed his signature on Ext. 2.
- 29) Similarly, Soniram Rabidas testified as PW-9 that the informant Sangeeta Rabidas resides in a rented house in the same garden. The incident took place about a year ago. During investigation, the police came to Sitaram's house and he went there. Police seized some articles and he affixed his signature on the Seizure List Ext. 2 and Ext. 2(2) is his signature.
- 30) Both the witnesses have testified in their cross-examination that they did not see the seized articles in the court. The complainant also clearly testified that she handed over her daughter's frock and undergarments to the police. Thus, it is clear from the evidence of PW-1, 7, 8, 9 & 10 that the articles which were seized from the accused and the victim's mother, tested positive for semen. Thus, there is not even an iota of doubt that the victim was sexually assaulted by the accused. Although the victim could not mention with clarity what kind of act the accused committed with her leg, yet it is clear that there was emission of semen after the act.

WHETHER THERE IS EVIDENCE OF PENETRATIVE SEXUAL ASSAULT?

- 31) The learned defence counsel emphatically submitted that the victim herself did not mention with clarity that he accused penetrated his penis into her vagina or inserted to any extent, any object or part of his body, into her vagina.
- 32) It is true that the victim PW-6's evidence does not depict that the accused committed any type of penetrative sexual assault, yet the child stated that the accused came into her room while she was sleeping on the bed and removed his pant and touched her private part and did something on her leg. In her statement under Section 164 CrPC, she stated before the Magistrate that the accused entered into her room when her elder sister Priya went out to wash utensils. At that time, she was sleeping, because she was not well and was suffering from stomach ache. The accused who entered into her room, removed her panty and gagged her and then he inserted his penis into her vagina. Ext. 4 is the statement of the victim under Section 164 CrPC and

- Ext. 4(1) is the signature of the Magistrate Smti. Dubari Dutta who recorded her statement. Smti. Dubari Dutta testified as PW-10 that on 11-05-15, she recorded the statement of the victim X in connection with this case. She further testified that on 26-06-16, she recorded the statement of the other witness Smti. Priya Rabidas in connection with this case, i.e., corresponding to Khowang PS Case No. 21/15. Ext. 3 is the statement of Smti. Priya Rabidas and Ext. 3(1) is her signature.
- 33) It is pertinent to mention at this juncture that when the Magistrate recorded the statement of the victim X, the victim was 3 years and 6 months. When the victim X deposed in the Court as PW-6, it was observed and noted down by my learned predecessor that the victim appeared to be around 5-6 years of age. This implies that the victim could not describe the act of the accused. Considering her physical structure and her age, it is apparent that the victim underwent an ordeal which was not discernible to her. She was under such duress at the time of the incident that she could not perceive through her senses the entire ordeal she underwent. In the Court, she described the incident to the extent, she could perceive.
- 34) Her elder sister also testified in a similar manner as PW-5. Her evidence depicts that she saw that Neula lying on the top of her sister's body with his pant removed. She also heard her younger sister crying and tried to push away Neula. The statements of the witnesses PW-5 & 6 is consistent to their statements under Section 164 CrPC. Moreover, the learned defence counsel who confronted the witnesses failed to contradict their testimonies.
- 35) The medical officer has clearly testified as PW-7 that according to her opinion, her findings are suggestive of forceful vaginal penetration. She detected hymenal tear at 6 O' clock position on genital examination of the victim. The MO also detected margins on the hymen which were reddened oedematus and tender on touch.
- 36) The medical officer testified as PW-7 that her findings are suggestive of forceful vaginal penetration, but there is lack of evidence of recent sexual intercourse.
- 37) Although sexual assault on the victim cannot be ruled out, yet sexual intercourse on the victim was not detected. The victim herself did not state in her evidence that there was sexual assault.
- 38) FSL Report is also indicative of an incident of sexual assault. The evidence of

PW-1 clearly depicts positive test for human blood and semen on the panty belonging to the victim. There is also positive test for human semen on the checkered underwear and white frock of the victim. The victim's mother testified as PW-7 that she handed over the victim's panty and frock to the police. The IO testified as PW-11 of seizure of the victim's panty and her frock and also of seizure of the checkered underwear of the accused person. The seizure witnesses PW-8 & 9 had testified about the seizure of articles belonging to the victim in their presence. There is no doubt that the seizure was meticulously conducted by the IO. However, the witnesses PW-8 & 9 have stated that they have not seen the articles in the Court. The learned defence counsel laid stress in his argument that the independent witnesses PW-8 & 9 did not identify the material exhibits in the Court. Although PW-8 & 9 could not identify the material exhibits in the Court, yet it cannot be ruled out that the IO seized the underwear belonging to the victim and the accused and the frock of the victim and forwarded the same to the FSL, Kahilipara, Guwahati. There is clinching evidence that these articles were examined by PW-1 Sri Sankar Chandra Rabha. The articles mentioned in the Seizure-Lists Ext. 2 & 3 tally with the articles mentioned by PW-1 and identified as Sero No. 3512/(B)(C) which tested positive for human semen. There is indeed discrepancy in the trial when the prosecution failed to exhibited the seized articles in the Court in presence of witnesses PW-8 & 9. This discrepancy causes a dent in the evidence and also thwarts the evidence. However, there is not even an iota of doubt that the victim X was sexually assaulted by the accused, because semen was detected by PW-1 during examination of the seized articles. The absence of spermatozoa does not cause a dent in the evidence, because the delay in examination of the victim may destroy the presence of spermatozoa at the time the evidence was placed before the medical officer testing for presence of spermatozoa. The place of occurrence depicted in the Sketch-Map Ext. 7 has been clearly described by the complainant as PW-7 as well as by the victim and her elder sister Priya Rabidas. It is clear from the Sketch-Map that Sitaram Rabidas is the complainant's neighbour.

39)After scrutinizing the entire evidence, I have held the accused guilty of the offence of sexual assault. The accused Sri Amit Kalondi @ Neula is not held guilty of penetrative sexual assault, but he is held liable for the offence of

sexual assault, as the prosecution has proved the fact beyond reasonable doubt. *The alleged offence falls under the description of Section 3 of the POCSO Act which envisages that-*

"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 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.
- 40) In the instant case, after scrutinizing the evidence and considering the discrepancies portrayed by the learned defence counsel, the accused is not held guilty of penetrative sexual assault, as described under Section 3 of the POCSO Act.
- 41) I have considered the fact that the prosecution did not exhibit the undergarments of the accused and the victim and the frock in the Court in presence of the independent witnesses PW-8 & 9. I have considered the evidence of the victim PW-6 and her elder sister Smti. Priya Rabidas. They have not implicated the accused with clarity that he committed penetrative sexual assault. Therefore, the point for determination has been considered and it is decided that the accused did not commit penetrative sexual assault. However, it has been proved beyond reasonable doubt that the accused committed aggravated sexual assault on the victim. Sexual assault is described under Section 7 of the POCSO Act as:

"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."
- 42) In the instant case, it has been proved beyond reasonable doubt that the act of the accused person was with sexual intent and involved physical contact. There is clinching evidence regarding emission of semen in the evidence, the evidence of PW-1 confirms the emission of semen at the time of the incident. This sexual intent is prevalent in the evidence. Sexual assault turns into aggravated sexual assault when a child below 12 years is sexually assaulted. It is clearly described under Section 9(a) of the POCSO Act. Although there is lapse of evidence regarding penetrative sexual assault, but there is clinching evidence that the accused committed aggravated sexual assault on the victim. The age of the victim at the time of the incident as mentioned by the medical officer on Ext. 1 is approximately 4 to 5 years on the basis of physical, radiological and laboratory investigation. The age of the injury detected according to column 23 in Ext. 1 was within 12-24 hours. The learned Magistrate has also noted down the age of the victim as three years six months when she recorded the statement of the victim under Section 164 CrPC vide Ext. 4. By virtue of Section 222(2) of the CrPC, the offence is scaled down to Section 10 of the POCSO Act.
- 43) I have heard the accused on the question of sentence. The accused has prayed for leniency. Considering the facts and circumstance of the case and considering the age of the victim, it is held that the offence is of diabolical nature. The accused deserves a deterrent punishment, because the offence committed on the victim who was below five years of age, depicts the perversity of the accused which requires deterrence to discourage the act of such nature and also prevention of an act of such a nature in future. An exemplary punishment of this nature will send out a message to the society at large. I have also considered the age and antecedent of the accused. the accused is a young led of 25 (twenty-five) years.

SENTENCE:

44) The accused Sri Amit Kalondi @ Neula is convicted under Section 10 of the POCSO Act and is sentenced to undergo rigorous imprisonment for 5 (five) years and pay a fine of Rs. 1,000/- (Rupees One Thousand) only and in

- default of payment of fine, to undergo rigorous imprisonment for 2 (two) months. The period of detention already undergone by the accused during investigation, and trial is set off with his custodial sentence.
- 45) I believe that the victim deserves compensation. So this case is recommended for compensation. Send a copy of this judgment and order to the Secretary, DLSA, Dibrugarh for assessment of compensation to the victim under the Assam Victims Compensation Scheme, 2012.
- 46) Destroy the seized articles as per law.
- 47) Furnish free copies of judgment to the accused and to the District Magistrate.

 Judgment is signed, sealed and delivered in the open Court on the 4th day of August, 2017.

Sessions Judge, Dibrugarh

Certified that the judgment is typed to my dictation and corrected by me and each page bears my signature.

> Sessions Judge, Dibrugarh

APPENDIX

List of witnesses:

- 1. PW-1 Sri Sankar Chandra Rabha;
- 2. PW-2 Smti. Susmita Kheruar;
- 3. PW-3 Smti. Reshma Ghatowar;
- 4. PW-4 Dr. Nibedita Shyam;
- 5. PW-5 Smti. Priya Rabidas;
- 6. PW-6 The alleged victim X;
- 7. PW-7 Smti. Sangita Rabidas;
- 8. PW-8 Sri Bhuban Ghatowar;
- 9. PW-9 Sri Soniram Rabidas;
- 10. PW-10 Smti. D Dutta; and
- 11. PW-11 SI Pratap Sena.

List of Exhibits:

- 1. Ext. 1 Medico-legal Report;
- 2. Ext. 2 Seizure-List;
- 3. Ext. 3 Statement of the witness PW-5 Smti. Priya Rabidas recorded under Section 164 CrPC;
- 4. Ext. 4 Statement of the victim recorded under Section 164 CrPC;
- 5. Ext. 5 FSL Report;
- 6. Ext. 6 Ejahar;
- 7. Ext. 7 Sketch-Map;
- 8. Ext. 8 Seizure-List; and
- 9. Ext. 9 Charge-Sheet.

List of witnesses and Exhibits for defence- None

Sessions Judge, Dibrugarh