IN THE COURT OF SPECIAL JUDGE:: KAMRUP:: AMINGAON

District: Kamrup, Amingaon

Present: Smti. B. Kshetry

Special Judge,

Kamrup, Amingaon

Spl. Sessions (P) case No.03/2019

U/S-363/376 (2) (i)/120 (B)/ 352/354/34 of IPC R/W section 4 of the POCSO Act

State of Assam

-Versus-

1. Debojit Rabha,

s/o-Pabitra Rabha

Resident of vill -Satakona

P.S.-Chhaygaon

Dist- Kamrup, Assam

2. Sunil Rabha,

s/o-Magha Rabha

3. Padumi Rabha

w/o- Pabitra Rabha

4. Kushal Rabha

s/o- Pabitra Rabha

All are Resident of vill -Satakona

P.S.-Chhaygaon

Dist- Kamrup, Assam

-----Accused

Appearance:

Mr. A.K. Baruah. Ld. Addl. Public Prosecutor

-----for the State

Miss Bhanu Rabha, Ld. Advocate

-----for the accused persons

Date of evidence: 01.07.2019, 02.07.2019, 03.07.2017,

24.07.2019, 21.08.2019 and 23.10.2019

Date of Argument: 18.11.2019, 10.12.2019

Date of Judgment: 16.12.2019

JUDGMENT

- The Prosecution case, briefly narrating is that on 06.09.2018 the complainant Sri Subhash Rabha lodged an ejahar alleging that on 04.09.2018 at about 2.00 a.m, the accused person—Debojit Rabha had taken away his minor daughter. Thereafter, on 06.09.2018 she was recovered by some village youths and they left her to her house to which she stated that she was raped by the accused person—Debojit Rabha by inducing her and other accused persons—Sunil Rabha, Padumi Rabha, Kushal Rabha beat her and drove her out from their house. Hence, this case.
- 2. On the basis of the said ejahar, Chhaygaon P.S Case No. 922/18 U/S-363 (A)/368/34 IPC was registered. Investigation was conducted into the case and after completion of investigation, charge-sheet was submitted against the present accused person—Debojit Rabha U/S-

363/376 (2) (i)/120 (B)/ of IPC R/W section 4 of the POCSO Act and U/S-354/294/34 of IPC against the other accused persons—Sunil Rabha, Padumi Rabha, Kushal Rabha.

- 3. The case was duly committed and this Court after hearing both the parties, framed charges U/S-363/376 (2) (i) of IPC R/W section 4 of the POCSO Act, 2012 against accused person— Debojit Rabha and U/S-120 (B)/352/354/34 of IPC against the other accused persons—Sunil Rabha, Padumi Rabha, Kushal Rabha. The aforesaid charges were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.
- 4. During the trial, the prosecution side examined 7 (seven) witnesses including the informant and victim. Statement of the accused persons U/S-313 Cr. P.C are recorded. They denied committing the offence and express their desires to adduce evidence.

5. POINT FOR DETERMINATION

- (A) For the accused person—Debojit Rabha
- (I) Whether the accused person—Debojit Rabha on 04.09.2018 at about 2.00 p.m kidnapped the victim girl, who is the minor from lawful guardianship of informant (Sri Subhash Rabha) and thereby committed an offence punishable U/S 363 (A) IPC?
- (II) Whether the accused person on the same date, time and place committed rape on the victim under 16 years of age and there committed an offence punishable U/S-376 (2) (i) of IPC?

- (III)Whether the accused person on the same date and time committed penetrative sexual assault on the informant's minor daughter and, thereby, committed an offence punishable U/S-4 of the POCSO Act, 2012?
- (B) <u>For the accused persons—Sunil Rabha, Padumi Rabha, Kushal Rabha.</u>
- (I) Whether the accused persons— Sunil Rabha, Padumi Rabha, Kushal Rabha on 04.09.2018 at about 2.00 p.m in furtherance of your common intention agreed with the accused—Debojit Rabha to do an illegal act and thereby committed an offence punishable U/S 120 (B)/34 of IPC?
- (II) Whether all the accused persons on the same date, time and place in furtherance of common intention assaulted or use criminal force and thereby committed an offence punishable U/S-352/34 of IPC?
- (III) Whether all the accused persons on the same date, time and place in furtherance of common intention assaulted or use criminal force to informant's minor daughter intending to outrage her modesty and, thereby, committed an offence punishable U/S-354/34 of IPC?

DISCUSSION, DECISION AND REASONS THEREOF

6. Perused the record. Heard Ld. Counsels for both the sides. Prosecution examined 7 (seven) witnesses.

7. P.W.1, Sri Subash Rabha is the informant of this case. Victim is his daughter. He know the accused persons—Debajit Rabha, Sunil Rabha. P.W.1 deposed that the incident took place about a year ago at 2.00 a.m. Victim was 18 years old at the time of occurrence. Victim was sleeping in another room with her younger sister—Lakhima Rabha while he was sleeping in another room. In the morning, when he woke up, he found the victim missing from the house. The door of her room was locked from outside and the key was pushed inside through the bottom of the door while the younger sister was sleeping inside. P.W.1 and his wife—Bharati Rabha knocked the door and woke their younger daughter from her sleep. They searched for the victim everywhere. For 3 (three) days they searched the victim but she remained untraceable. After 3 (three) days at around 2/3 a.m, the Maternal Uncle—Sunil Rabha and elder brother of the accused came to their house along with the victim and handed her over to them. They told them that upon searching the victim and the accused—Debojit Rabha, they found them in Sattabari Industrial area. The victim on enquiry told him that they had gone to Sattabari Industrial area for work and stayed together in a rented house. She also stated that due to love affair between her and the accused—Debojit Rabha, she went with him on the night of occurrence to get married but the marriage did not take place between them. Next day, he lodged the ejahar. Police recorded his statement. Ext.1 is the ejahar. Ext. 1 (1) is his signature.

In his cross-examination, P.W.1 has revealed that the ejahar was not written by him but it was written by the scribe as per his instruction and read over to him. In the ejahar, the age of the victim has been mentioned as 19 years as stated by him to the scribe. Apart from accused—Debojit Rabha, the other accused persons had come to his house to hand over the victim girl to them. About 1 ½ years prior to this incident, victim was given in marriage to one 'Boga'. They are not legally divorced. P.W.1 deposed further that he did not state before the police

that —" Victim was sleeping in another room with her younger sister—Lakhima Rabha while I was sleeping in another room. In the morning, when I woke up, I found the victim missing from the house. The door of her room was locked from outside and the key was pushed inside through the bottom of the door while the younger sister was sleeping inside. "He also did not state before the police that—"The victim on enquiry told me that they had gone to Sattabari Industrial area for work and stayed together in a rented house." He did not enquire the victim the name of the landlord in Sattabari.

8. P.W.2, is the victim of this case. She deposed that the informant of this case is her father. She knows the accused persons—Debajit Rabha, Sunil Rabha, Kushal Rabha and another one, who is the mother of the accused—Debajit Rabha. The incident took place on 03.09.2018 at 2.00 a.m. She stated that she was 19 years old at the time of occurrence. On that day, she was sleeping in another room with her younger sister— Lakhima Rabha while her other family members were sleeping in another There was love affair between her and the accused—Debajit Rabha since 2013 and her parents knew about it. But they did not want to give her in marriage with the accused—Debajit Rabha. On the night of occurrence, the accused came to her house and took her on his bike to his house as he desired to marry her. P.W.2 went away with the accused without informing her parents. But he did not take her to his house. Instead he took her to a Broiler Farm situated at a little distance away from his house. His friend—Pinku was waiting there. They kept her alone in a room near the Broiler Farm and went to fill fuel in the bike in Chhaygaon. Then, the accused came alone and stayed with her in the room. The accused had sexual intercourse with her forcibly though she resisted him. He did not take her to his house also. About one week before the incident, the accused had sexual intercourse with her forcibly in her house at night. In the morning at 5.30 a.m, the accused called his Maternal Uncle to the Broiler Farm to seek permission to take her to his house. But his Uncle refused and directed the accused to take her back to her house. Then, at about 6.30 a.m, the accused took her to the house of one Phulmala, who was known to him and kept her there for the whole day and he went away to his house. P.W.2 rang the accused several times from the mobile phone of Phulmala but he did not respond her call. Thereafter, in the evening, she left the house of Phulmala and got up in a bus bound for Guwahati. She rang the accused from the mobile phone of a co-passenger and told the accused that she was going to Guwahati. He told her to get down at Chhaygaon as he will be waiting there. Accordingly, she got down in Chhaygaon and met the accused. Then the accused took her to the house of his friend—Pinku's sister at Nohira and kept her there for the night while he went away. Next evening, he came to bring her. He then married her by applying vermillion (sindoor) in her forehead in the presence of Pinku, Pinku's sister, her in laws and her other family members and accepted her as his wife. Then, he took her to Sattabari. They stayed in a rented house for the night. The accused did not allow her to receive the phone calls of her family members in his mobile phone. But at 11.00 p.m, his friend—Pinku warned them to leave the place as his family members were searching for us. Thereafter, his family members came and took both of us to his Uncle—Sunil Rabha's house with the assurance to perform our marriage. But they did not perform our marriage and told us that our marriage will be performed after 5 months. Then, Sunil Rabha, Pinku, Kushal Rabha and some other persons brought her to her house and handed her to her parents at 3 a.m. and they left to their house except Pinku. In the afternoon, accused— Debojit and his family members came to their house to discuss their marriage which was decided to be performed after 5 months but P.W.1 did not agree. The accused also did not take her to his house. Thereafter, her father lodged the ejahar. P.W.2 accompanied him at the time of lodging the ejahar. Police recorded her statement. Police sent her for her medical examination and brought her before the Magistrate for recording her statement. Ext.2 is the statement. Ext. 2 (1 to 3) are her signatures.

In her cross-examination, P.W.2 deposed that she was in married to one—Upendra Rabha in the year 2016. She was 15 years old at that time. They stayed together in his house as husband and wife for 3 months. They are not legally divorced. The distance between her house and the house of the accused-Debojit is 2/3 kms. On the night of occurrence, the accused was waiting for her in their courtyard. She came out by herself to meet him. It took less than one hour to reach the Broiler Farm of the accused on his bike. P.W.2 deposed that she did not state before the Magistrate and police that the accused took her away on his bike and that he kept her alone in a room near the Broiler Farm and went to fill fuel in the bike in Chhaygaon. The distance from Balasidhi to Chhaygaon is about 1 ½ km. He returned after an hour. P.W.2 was wearing long pant and T-shirt on the night of occurrence. The accused opened her entire clothes on the night of occurrence. She did not shout as there were no people nearby the Broiler Farm. There are houses near the Broiler Farm. P.W.2 did not tell before the Magistrate and police that the accused opened her entire clothes on the night of occurrence. She did not remember if she told before the Magistrate and police that the accused did not allow her to receive the phone calls of her family members in his mobile phone. P.W.2 ran away from the Broiler Farm on the relevant night but he caught her back but she did not tell this fact before the Magistrate and police.

9. P.W.3, Sonaram Rabha deposed that he knows the informant of this case and the victim also. He know the accused person—Debajit Rabha only. The incident took place about six months ago. In the morning, he came to the house of the informant, who is his relative and got to know that they have confined a boy in their house as the victim was taken away by accused—Debojit Rabha about 3 days ago and the boy had come to keep her in her house. The family members of the accused—Debojit Rabha and other village people came to the house of the victim to discuss the marriage between the victim and the accused and it was decided that the marriage would take place after few months. But the victim and her parents did not agree the proposal of marriage as it would be held very late according to them. Thereafter, the informant lodged the ejahar. Police recorded his statement.

In cross-examination, P.W.3 deposed that police enquired his name and his relation with the victim. Victim did not tell him anything about the incident.

- 10. P.W.4, Sri Pranjal Das has deposed that he knows the informant of this case, who is the Maternal Uncle of his wife. He knows the victim also. P.W.4 knows the accused person—Debajit Rabha only. P.W.4 did not know the date of occurrence. After 3 days of the occurrence, when he visited the house of the informant, who is his relative, then, he saw a meeting of the village people taking place in his house. He heard that the victim eloped with the accused—Debajit Rabha about 3 days ago and his family members had come to keep her in her house. He did not know the discussion and decision taken in the meeting. He only knew that informant lodged the ejahar in the evening. Police recorded his statement.
- 11. P.W.5, Sri Tinku Saloi @ Pinku deposed that he knows the informant and victim of this case. He also knows the accused persons. Accused—Debajit is his friend. The incident took place 3-4 months ago. P.W.5 stated that in the next morning of the incident, the accused—Debajit rang him and told him that he has brought the victim with him from her house. He also told him that the victim had called him to her house over phone at 10 p.m on the previous night to take her with him.

Thereafter, he meet both of them at Chhaygaon. He took both of them to his sister's house at Rampur and the accused left her there and came with him. Next morning, the accused brought the victim to a rented room at Sattabari. P.W.5 was also with them. In the night, the family members of the accused came to know about their whereabouts from him and he took them to the rented house at Sattabari. Then, the family members of the accused brought both of them to Balashidhi to their house. P.W.5 did not hear any talks between them. There was love affair between the accused—Debajit and the victim. P.W.5 along with the family members of the accused then brought the victim to her house and handed her over to her guardian. Police recorded his statement

In cross-examination, P.W.5 deposed that he did not know if the victim was married earlier. P.W.5 also deposed that he do not remember if he told the police that—"In the next morning of the incident, the accused—Debajit rang me and told me that he has brought the victim with him from her house. He also told me that the victim had called him to her house over phone at 10 p.m on the previous night to take her with him. Thereafter, I meet both of them at Chhaygaon." Further P.W.5 disclosed that the victim came with the accused on the night of occurrence on her own will as told to him by accused—Debajit.

12. P.W.6, Dr. Oli Goswami is the M.O of this case. She deposed in her evidence that on 07.09.2018 he was working as a PG on duty, Department of Forensic Medicine at GMCH. On that day, at around 11.40 a.m, she examined one, Miss Manashi Rabha, female, 19 years of age brought in reference to Chhaygaon P.S case No. 922/18 U/S-366/376/354/34 of IPC. She was accompanied and identified by WPC/529 Purnima Das. The victim alleged before her that she had eloped with the accused—Debajit Rabha on 04.09.2018. And during her stay with the accused, he committed 2 episodes of sexual intercourse with her.

On the physical examination of the victim found---

Her height—155 cm, weight—43 kg, chest girth—81 cm, abdominal girth—66 cm, total 29 teeth were present and all were permanent. Space for teeth—Adequate on upper and right lower jaw, Nil on left lower jaw. Scalp hair-42 cm, black in colour, well distributed. Axillary hair—1 cm – 2 cm, black in colour, well distributed, Pubic hair— 1 cm – 2 cm, black in colour, well distributed. Her breast—Firm, hemispherical, nipple and areola are dark brown in colour. No secretion ejected on squeezing the breasts bilaterally. Menarche—12 years. Cycle- 28 <u>+</u> 2 days, normal flow, regular cycle, last menstrual period—26.08.2018.

On genital examination:-

Genital organs—well Developed. Vulva—labia majora healthy, labia minora is well visible even when thighs are not fully abducted. Hymen – old tears seen at 3, 5, 6, 9, 11 o' clock positions, Uterus—not palpable per abdominally. Evidence of venereal disease –not detected clinically, Vaginal swabs collected from—posterior fornisc and around the cervisc.Injury on the body—not detected at the time of examination, her mental condition at the time of examination—normal, behavior—Cooperative and Intelligence and Memory—average, gait—Normal.

Laboratory investigation:-

Vaginal smears does not show any presence of spermatozoa or gonococcus.

<u>Opinion:</u> On the basis of physical examination, radiological and laboratory investigations done, P.W.6 opined that:-

- 1. No evidence of recent sexual intercourse found on her person.
- 2. No sign of injury marks or redness detected on her several organs.
- 3. Her age is above 15 (fifteen) years and below 16 (sixteen) years of age.

Ext. 3 is the medical report. Ext. 3 (1 to 3) are her signatures.

In her Cross-examination P.W.6 deposed that victim stated her age to be 19 years before her at the time of examination. X-ray of the victim was done for determining her age. The victim was identified by police constable. P.W.6 did not find any sign of recent sexual intercourse at the time of examination.

13. P.W.7 S/I Kobindra Rabha on 06.09.2018, he was serving as incharge O/C of Chhaygaon P.S. On that day at 7.00 p.m after receiving an ejahar lodged by one Sri Subhash Rabha, he made the G.D. Entry bearing No. 143/2018 dated 06.09.2018. Thereafter, he registered a case bearing Chhaygaon P.S Case No. 922/2018 U/S- 366/376/354/34 of IPC. P.W.7 recorded the statement of informant including the victim girl in the police station. On the next day, P.W.7 visited the place of occurrence along with other staffs and recorded the statement of other witnesses. P.W.7 also prepared the sketch map. Ext.4 is the sketch-map and Ext. 4(1) is his signature. On search, the accused was not found as he fled away. On 08.09.2018 on receiving the information that the accused—Debajit Rabha is at home he brought him to the P.S for interrogation. And accordingly, P.W.7 recorded the statement of the accused and arrested him and produced him before the court. The other accused persons could not be arrested as they fled away. On 07.09.2018, P.W.7 send the victim for her medical examination and also sent the victim to the Court for getting her statement recorded U/S-164 Cr. P.C before the Magistrate. P.W.7 collected the medical report. The other accused persons surrendered before the police station on being granted Anticipatory bail granted by the court. Thereafter, P.W.7 completed the investigation and on finding sufficient materials against the accused persons, he submitted charge sheet against accused—Debajit Rabha U/S-363/376 (2) (i)/ 120 (B) of IPC R/W Section 4 of POCSO Act, 2012, U/S-294 of IPC against accusedPadumi Rabha and U/S-354/294/34 of IPC against accused—Sunil Rabha and Kushal Rabha. Ext.5 is the charge-sheet and Ext. 5 (1) is his signature.

In his Cross-examination, P.W.7 deposed that he did not examine one Lakhima Rabha. Informant did not submit any age related documents of the victim before him. P.W.7 do not know if the prosecutrix was married or not at the time of occurrence. There were no houses surrounding the Broiler Farm. P.W.2 did not tell P.W.7 that her family members rang her but the accused did not allow her to receive the phone. She also did not tell P.W.7 that the accused married her by applying vermilion on her forehead. P.W.7 recorded the statement of P.W.4. P.W.7 did not examine one Phulmala as the victim did not mention her name before him.

- 14. At the closure of the prosecution evidence, statement of the accused U/S-313 Cr. P.C was recorded. He denied committed the offence and adduced evidence of two D.Ws.
- 15. D.W.1, Dharmeswar Saloi deposed in his evidence that he knows both the parties. On the day of the incident, he was in the broiler farm and he was present when the victim was brought by the accused to the broiler farm. Then, the accused at about 3.00 p.m left her there and he went away. And in the morning, accused returned and he took her away from the broiler farm. He stated that he was the labourer of the broiler farm and also stay there.

In his cross-examination, D.W.1 stated that the broiler farm was of the accused and stated that he did not see any incident.

16. D.W.2, Pabitra Rabha deposed that he knows both the parties and stated that on the date of occurrence, accused had brought the victim to his house as there was love affairs between them. A village

meeting was taken place regarding the incident and they took a solution that the marriage of the accused and victim will take place within a week. But the victim's father lodged an ejahar after the village meeting. He further stated that he did not know about the incident.

In the cross examination, D.W.2 disclosed that accused had brought the victim to his broiler farm.

- 17. Heard the arguments of the learned Counsels for both the sides. Learned Counsel for the accused submitted that the victim eloped with the accused on her own out of love affair between them. He further argued that victim was a major on the date of occurrence. She stated her age to be 19 years on the date of occurrence and there are major contradiction in her evidences.
- 18. Coming to the evidence of P.W.2, who is the victim. She clearly stated that she was 19 years old at the time of incident. Her evidence is supported by the informant (P.W.1), who is her father. He has also disclosed in his cross-examination that the age of the victim is mentioned as 19 years in the FIR by the scribe as told by him. So, the victim was not a child as per Section 2 of POCSO Act. She was major at the time of occurrence.
- 19. Furthermore, the evidence of P.W.2 (victim) reveals that there was love affair between her and the accused—Debojit Rabha since 2013 and her parents knew about it but they did not want to give her in marriage with him. From the evidence of P.W.1, it comes out that on the night of occurrence, the accused came to her house and he took her on his bike. She went away with the accused without informing her parents to one Broiler farm. P.W.1 stated that he was told by the victim (P.W.2) that due to their love affair, she went with the accused to get married on the night of occurrence but the marriage did not take place. P.W.4 stated that he heard that victim eloped with the accused and his family members

brought her back to his house. Again, it is in the evidence of P.W.5, who is the friend of the accused that accused rang him on the next morning of the incident and told him that he has brought the victim with him from her house and that she had called him on the previous night to take her away with him. So, it is clear that the accused did not kidnap the victim girl. Section 363 IPC is therefore not attracted at all against the accused—Debojit Rabha.

20. Furthermore, victim (P.W.2) has alleged that the accused took her to a Broiler Farm situated at a little distance away from his house and he had forcible sexual intercourse with her in the room. Even one week before the incident, accused had forcible sexual intercourse with her in his house at night. Her evidence disclosed that the accused took her to the house of one Phulmala and kept her them for the whole day and then, she was taken to the house of P.W5's sister and kept her for the night. She also claimed that the accused married her by applying vermilion (sindoor) in her forehead in presence of witness and accepted her as his wife. They stayed in a rented house at Sattabari. It is in her evidence that the accused person—Sunil Rabha, Kushal Rabha, P.W.5 and other persons brought her to her home and handed her over to her parents and both accused and his family discussed their marriage which was to be performed after 5 months. But P.W.1 did not agree. P.W.1 confirmed that the accused persons brought the victim (P.W.2) to the house and handed her over to him. Nowhere in his evidence, P.W.1 stated that the accused had forcible sexual intercourse with the victim. Even the victim did not tell P.W.1 that the accused had forcible sexual intercourse with her. Victim also did not tell anything about the incident to P.W.3. P.W.3 testified that accused—Debojit Rabha had come to keep the victim in her house and that the accused and his family members and other village people came to the house of the victim to discuss the marriage between the victim and the accused—Debojit. This witness revealed that their marriage was decided to take place after few months but the victim and her parents did not agree their marriage proposal as it would be held very late according to them and thus the ejahar was lodged. Now, P.W.5 disclosed that he took both the victim and the accused to his sister's house at Rampur and the accused left her there. Next morning, victim was brought by the accused to a rented house at Sattabari and P.W.5 was with them. But, family members of the accused alongwith P.W.5 brought the victim to her house and handed her over to her guardian. It is in the evidence of D.W.1 that at the night of occurrence, he was in the Broiler Farm when the accused brought the victim but he left her there and went away. Only next morning, he came and took her away. D.W.2 confirmed that in the village meeting, the marriage of the victim and accused was decided to take place within a week. It further comes out from the cross-examination of the victim (P.W.2) that she was married to one Upendra Rabha in the year 2016 and they stayed together in his house as husband and wife for 3 months, but they are not legally divorced. P.W.7 (I/O) confirmed that the victim did not tell him that the accused married her by applying vermilion on her forehead and the victim did not mention the name of Phulmala before him. The evidence of the victim suffers from major contradictions and omissions. Her sole evidence cannot be relied upon. So, the accused persons are entitled to get the benefit of doubt.

21. On going through the evidence on record, it is found that the allegation against the accused—Debojit Rabha under Section 376 (2) (i) IPC R/W Section 4 of the POCSO Act, 2012 is not well proved beyond all reasonable doubt. Regarding the allegations U/S-354/294/34 of IPC against the accused persons—Sunil Rabha, Padumi Rabha, Kushal Rabha, there is no iota of evidence against them. So, the said Sections are also not attracted at all against them.

22. In the result, the prosecution has miserably failed to prove the case beyond all reasonable doubt against the accused persons— Debojit Rabha, Sunil Rabha, Padumi Rabha, Kushal Rabha. They are held not guilty and are hereby, acquitted of the offences U/S-376 (2) (i) IPC R/W Section 4 of the POCSO Act against the accused person—Debojit Rabha and U/S-354/294/34 of IPC against the accused persons—Sunil Rabha, Padumi Rabha, Kushal Rabha and set at liberty forthwith.

23. Their bail bonds shall remain in force for next 6 (six) months U/S-437 (A) Cr. P.C.

24. The case is disposed of on contest.

25. The Judgment is pronounced in open Court and written on separate sheets.

Given under my hand and seal of this Court on this 16th day of December, 2019.

Special Judge, Kamrup, Amingaon

Dictated and corrected by me

Special Judge, Kamrup, Amingaon

APPENDIX

Prosecution Witness:

P.W.1, Sri Subash Rabha

P.W.2, is the victim

P.W.3, Sonaram Rabha

P.W.4, Sri Pranjal Das

P.W.5, Sri Tinku Saloi @ Pinku

P.W.6, Dr. Oli Goswami

P.W.7 S/I Kobindra Rabha

Defence Witness:

D.W.1, Dharmeswar Saloi

D.W.2, Pabitra Rabha

Prosecution Exhibit

Ext.1 is the ejahar

Ext.2 is the statement of the victim recorded U/S-164 Cr. P.C.

Ext. 3 is the medical report

Ext.4 is the sketch-map

Ext.5 is the charge-sheet

Special Judge,

Kamrup, Amingaon