IN THE COURT OF SESSIONS JUDGE :: :: :: SIVASAGAR

Present :- Sri S. K. Poddar, AJS

Sessions Judge cum Special Judge,

Sivasagar.

Spl. (P) Case No. 02 of 2016 u/s 6 of POCSO Act. (Arising out of Demow PS Case No. 05/2016)

### State of Assam

-Vs-

Sri Suchen Konwar ...... Accused

**APPEARANCE:** 

For the prosecution : Mr. Srimanta Gogoi, Special P.P

For the accused : Mr. D.K. Gohain, Advocate

(State defence counsel)

Date of framing Charge : 20.05.16

Dates of Evidence : 15.07.16, 04.02.17, 27.03.17, 19.06.17,

19.12.17, 18.09.18, 28.11.18, 12.02.18

Date of S/D : 15.03.19

Dates of Argument : 22.08.19 & 16.12.19

Date of Judgment : 23.12.19

# **JUDGMENT**

- 1. Prosecution case in brief is that on 05.01.2016, informant Smt. Usha Konwar, lodged an FIR with O/C, Demow PS, alleging, inter alia, that prior to six months of filing the FIR, on several occasions, in absence of other family members in the house, accused Sri Suchen Konwar committed rape on victim 'MK' (name withheld) by enticing the victim in her house. As a result, the victim was five months pregnant. Subsequently, her pregnancy was terminated in a Nursing Home at Dibrugarh.
- 2. On receipt of the FIR, Demow PS Case No. 05/2016, u/s 4 of POCSO Act was registered and investigated into. During investigation, victim

was sent for medical examination. Statement of the victim was recorded u/s 164 Cr.P.C. Accordingly accused was arrested and remanded to judicial custody. During investigation, the I.O. has seized the original birth certificate of the victim and also seized one medical discharge certificate from Sanjeevani Hospital, Dibrugarh. On completion of investigation, I.O. has submitted Charge-Sheet against the above named accused u/s 4 of POCSO Act, 2012.

- 3. Upon taking cognizance on the Charge-Sheet, vide order dated 20.05.2016, my learned predecessor in office has framed the charge u/s 6 of POCSO Act, 2012 against the accused to which he pleaded not guilty and claimed to stand trial. During trial, prosecution has examined eleven witnesses including two M.O. and I.O.
- 4. Upon completion of the prosecution evidence, accused was examined u/s 313 Cr.P.C. After hearing both the sides u/s 232 Cr.P.C, and observing that it was not a case of no-evidence, accused was called upon to enter into defence to which he declined to adduce evidence in defence. Defence case is of total denial and false implication. Defence also took the plea that due to property dispute, with the father of the victim, he was falsely implicated in this case.
- 5. I have heard argument of learned Special PP Mr. Srimanta Gogoi and Mr. D.K. Gohain, learned State defence counsel and gone through the evidence on record. I have considered the submission of both the sides.

# POINTS FOR DETERMINATION ARE

- 6. (i) What was the age of the victim on the date of incident?
  - (ii) Whether prior to six months of filing FIR on 05.01.2016, accused Suchen Konwar committed the offence of penetrative sexual assault (rape) on the victim on several occasions and caused her pregnant and thereby committed an offence punishable u/s 6 of POCSO Act, 2012?

## **DECISION AND REASONS THEREOF:**

7. PW 1 the victim MK in her evidence deposed that accused is her

uncle and he resides in the nearby house. About a year back, (deposing on 15.07.2016) accused committed sexual physical relation with her. Prior to this accused did similar incidents with her on 4-5 occasions. On stopping of her menstrual periods, her mother took her to Dibrugarh and upon confirming her pregnancy, same was aborted. After this, by discussing with villagers, her mother lodged the FIR. Police got her medically examined. Police also brought her to Court where she gave her statement vide Ext. 1. In her cross examination, she admitted that due to abdominal pain, her mother took her to Moran and then they went to Dibrugarh. After examination, she was admitted in hospital at Dibrugarh for 2 days. She cannot say whether doctor has aborted her pregnancy at Dibrugarh or not. While giving her statement in Court, members of Mahila Samittee has tutored her for giving the statement. Accused never intimidated her and also never asked her for not to disclose the incident to others.

- 8. PW-2 Dr. Prahlad Bordoloi of Sanjivani Hospital, Dibrugarh in his evidence deposed that on 29.12.2015 he examined one Miss Bina Konwar and upon examination she was diagnosed as missed-abortion and vaginal cyst. He did dilatation and curettage and vaginal cystectomy under sedation on 30.12. 2018. She was discharged on 31.12.2015. He has proved his report vide Ext. 2. He has issued Ext. 2 on police requisition. In his cross examination, Dr. Dr. Prahlad Bordoloi deposed that as per certificate Ext. 2, he has not examined victim MK. The dilatation and curettage actually means abortion of dead fetus. Before conducting D & C, he has not referred the matter to police or any other authority. In Ext. 2, there was no mention of issuing the certificate on police requisition. He denied that, he has conducted the D & C illegally and issued Ext. 2 on demand of parents of Bina Konwar. In Ext. 2, he has not mentioned the residential address of the patient or her parents. In Ext. 2, he has not mentioned the way how the minor got conceived.
- 9. PW-3 Smt. Usha Konwar in her evidence deposed that about a

year back, while she returned for the residence of her eldest daughter after staying there for about a month, on noticing that her daughter MK was pregnant for about three month, she asked her about the incident leading to her pregnancy. Initially she was reluctant to tell her and on scolding her, she reported her that she was pregnant through accused Suchen Konwar. On this, village meetings were held and advised them to file a case. Accordingly she lodged FIR at Demow PS. Exbt. 3 is the FIR. At that time, victim MK was aged about 13 years. She brought her age certificate issued by Head Master Ekarani Nahar Habi M. E. School, Sivasagar. M. Exbt. 1 is her age certificate, in which date of Birth of victim was shown as 03.01.2002. Subsequently her pregnancy was aborted by them with the consent of her daughter. In her cross examination PW 3 deposed that on non-telling of the name of the person responsible, on physically assaulting the victim MK by her, she disclosed the name of the accused. Pregnancy was terminated at Dibrugarh prior to filling to filling of this case. Thereafter case was filed under the pressure from Mahila Samity Members. Her daughter was taken to doctor by telling him having low blood pressure of her daughter. Victim did not tell her in detail as to how the accused cohabitated with her. On her pregnancy or even before taking her to Dibrugarh, immediately, she did not file any case. She denied that accused was no way involved with the pregnancy of her daughter. She also denied that she has instigated her daughter to implicate the accused by physically assaulting her. M. Exbt. 1 was obtained on 27.02.2017. She denied that she has procured false age certificate by pursuing the School Master. Accused has separate house and landed property. She admitted that there are some dispute on share of paternal property. Accused also did not maintain a good relation with the neighbours after this case. She denied that out of property dispute, she filed this false FIR against him.

10. PW-4 Sri D Konwar in his evidence deposed that accused is his elder brother. Victim MK is his daughter. Presently she is reading in Class VII

and aged about 10-12 years. About a year back, while detecting that his daughter was not subjected to menstruation period, she was taken to Doctor by his wife. Doctor after examining her, reported that she was pregnant. On asking, she reported them that she was pregnant through accused Suchen Konwar. On this his wife lodged FIR at Demow PS. In his cross examination, PW-4 Sri Duleswar Konwar deposed that the fact of pregnancy was detected before 3-4 days of filling the case. On knowing her pregnancy, she was taken to Dibrugarh and pregnancy was terminated. Accused used to visit his residence. He resides in a separate house. He denied that while giving statement to police, he did not tell that "victim reported them that she was pregnant through accused Suchen Konwar." He denied that accused was no way involved with the pregnancy of his daughter. He denied that he is deposing falsely on being tutored by others. Accused has separate house and landed property. Accused got some more share in land and he got less amount of land. He denied that out of property dispute, he filed this false FIR against him. They have filed this case on being forced by Mahila Samity.

11. PW-5 Sri Mridul Gogoi in his evidence deposed that on 05.01.2016, a village meeting was called and ongoing in the meeting, he learnt that the meeting was called on the allegation of commission of rape on the victim MK by her uncle/accused. In the meeting the victim MK has reported that the accused has committed the rape on her. VDP Aditya Bora, Putul Gogoi and several others were present in the meeting. On knowing this, he left the meeting. Thereafter, he came to know that accused Suchen was handed over to police by public. Police took his signature in Exbt. 4 seizure list. In cross examination, PW-5 deposed that while giving statement to police, he did not tell that "victim MK reported in the meeting that accused Suchen has committed on her rape." He denied that he is deposing falsely that victim MK reported in the meeting that accused Suchen has committed on her rape. Police took his signature in Exbt. 4 after 2 days of the meeting at his

residence. He has no knowledge of seizure of any certificate of age. While he was present in the village meeting, Suchen was not present in the meeting.

- 12. PW-6 Smt. Gunati Gogoi in her evidence deposed on 05.01.2016, a village meeting was called at the residence of informant. In the meeting victim MK has reported that she was pregnant of about 2 months through accused Suchen Konwar. Accused Suchen was present there. In the meeting accused Suchen was also questioned and he confessed the fact of making the victim pregnant. At that time victim MK was a student of Class VII. In her cross examination, PW-6 deposed that he has no personal knowledge about the incident except attending in the meeting. The meeting was organized by Suryamukhi Self Help group of their village. She did not present in the meeting till end. Police did not interrogate her in this case. She denied that she has deposed falsely that "In the meeting victim MK has reported that she was pregnant of about 2 months through accused Suchen Konwar. She denied that accused Suchen was not present there. She denied that in the meeting accused Suchen did not confessed the fact of making the victim pregnant.
- 13. PW-7 Smt. Rina Konwar in her evidence deposed that on 05.01. 2016, a village meeting was called at the residence of informant. In the meeting victim MK has reported that she was raped by accused Suchen Konwar and was pregnant through accused. Accused Suchen came in the meeting. On this Suchen was taken to police station. Subsequently mother of the victim informed her that pregnancy was terminated in hospital. In her cross examination, PW-7 deposed that she has no personal knowledge about the incident except attending in the meeting. While giving statement to police, she has not stated that "In the meeting victim MK has reported that she was raped by accused Suchen Konwar and was pregnant through accused. Accused Suchen came in the meeting. On this Suchen was taken to police station." She denied that accused Suchen was not present in the meeting.
- 14. PW-8 Sri Putul Gogoi in his evidence deposed that on

05.01.2016, while he was VDP Secretary, he was called in the village meeting held at the residence of Sri Duleswar Konwar. He arrived at the meeting late. Subsequently, he heard that accused has some quarrel with victim MK. He also heard that accused Suchen has physical relation with victim MK. At that time victim MK was aged about 14-15 years from her appearance. In his cross examination, PW-8 Sri Putul Gogoi deposed that he has no personal knowledge about the incident. He was not allowed to stay in the meeting as related to matter of women.

- 15. PW-9 Dr. Pranab Kr. Dutta of Sivasagar Civil Hospital, in his evidence deposed that on 06.01.2016 he examined the victim in connection with Demow PS Case No. 05/2016 and upon examination he found hymen absent. The Uterus bulky. Radiological examination shows that left wrist joint reveals incomplete fusion and left elbow joints shows complete fusion of epiphysis. PW 9 also opined that victim is above the age of 13 years and below the age of 17 years and that the findings were suggesting that the girl has undergone abortion recently. He proved his report as Ext. 5.
- 16. PW-10 Sri Jadumani Bora in his evidence deposed that on 05.01.2016, while he was in charge Gaonburah of Laguabari Village, some women from the said village called him to their place by informing incident of rape by accused Suchen Konwar on victim MK. On arriving there, found that several villagers have gathered at that house and one informal meeting was going on. Victim MK and Suchen Konwar were present there. In the said meeting in his presence, accused Suchen Konwar admitted that he has committed rape on victim MK and that victim MK was made pregnant. In the meeting it was also disclosed that pregnancy of victim MK was aborted at Dibrugarh. On this admission by accused, he and other villagers informed the matter to Demow PS over phone. After sometime, police came there and took the accused and victim MK to police station. In his cross examination, PW-10 deposed that the meeting was informal. While giving statement to police, he

has not stated that "accused Suchen Konwar admitted that victim MK was made pregnant by him." He has no personal knowledge, as to how victim become pregnant. No detail discussion was made as to how she become pregnant.

17. PW-11 Sri Chittaranjan Iswary, the I/O in his evidence deposed that during investigation, he has examined the informant and victim MK at PS campus. On the same day, victim was sent for medical examination. Thereafter, he went to the place of occurrence and drawn a sketch map of the PO. Exbt. 6 is the said sketch map. Accused Sushen Konwar was handed over to PS by local public. On the next day victim was sent to Court for recording her statement u/s 164 Cr.P.C and for detail medical examination at Sivasagar Civil Hospital. Accused was also sent to Court for Custody. During investigation, he has collected the medical report and statement given by victim in Court. He has seized the original birth certificate of the victim as produced by informant. Exbt. 4 is the seizure list. In the seizure list, date of birth of the victim was mentioned as 03.01.2002. On 30.01.2016, He has visited Sanjeevani Hospital and seized one hospital register and released the same in Zimma. Exbt. 7 is the seizure list. He has recorded statement of Dr. Prahlad Bordoloi of Sanjeevani Hospital. He produced one medical certificate relating to treatment of the victim by him. On completion of investigation, he has submitted charge sheet against the accused u/s 4 of POCSO Act. Exbt. 8 is the charge sheet. In his cross examination, PW-11 Sri Chittaranjan Iswary deposed that he has not seen the original birth certificate or its copy in the case record. He has not kept the copy with seizure list. The Original discharge certificate of the victim was also not made part of the seizure list. Exbt. 2 is the certificate collected from Dr. Prahlad Bordoloi. In Exbt. 2, the name patient was made as Bina Konwar. Witness Duleswar Konwar while giving statement to him did not state that "victim MK reported to them that she was pregnant through accused Suchen Konwar." While accused was handed over to police, he was suffering

from neck pain as reported by doctor in inspection memo. He has not sent the accused for recording his confessional statement in Court.

- 18. From the above evidence on record, let me decide the points formulated for just decision of this case.
- 19. Point No. I: So far age of the victim is concerned, from the evidence of PW 1 the victim, it appears that while adducing evidence she claimed her age as 14 years. PW 3, the mother of the victim deposed that at the time of incident, victim was aged about 13 years. She has proved one school certificate showing the date of birth of the victim as M. Exbt. 1 in which the date of birth of the victim is mentioned as 03.01.2002. PW 4, the father of the victim claimed the age of the victim 10 to 12 years. During cross examination, PW 3 admitted that M. Exbt. 1 was obtained on 27.02.2017 but she denied that she procured false age certificate. PW 9 the M.O., who has examined the victim after filing of this case in his evidence deposed that basing on physical, dental and radiological report he is of the opinion that victim is above the age of 13 years but below 17 years of age. He proved the medical report as Exbt. 5. During cross examination of medical officer, no challenge was made to the above findings on age which got corroboration from oral evidence of the PW 1, PW 3 and M. Exbt. 1 the age certificate, according to which at the time of incident the victim was aged about 14 years. As such, I hold that at the time of alleged incident the victim was a minor and aged below 14 years.
- 20. <u>Point No. II:</u> So far allegation of penetrative sexual assault is concerned, from the evidence of PW 1 the victim, it appears that on stopping her menstruation she was taken Dibrugarh and her pregnancy got confirmed and on her consent abortion was caused at Dibrugarh. PW 3, the mother of the victim also deposed that on noticing the symptom of pregnancy of about three months, on asking, the victim confirmed the fact of her pregnancy. Prosecution has examined Dr. P. Bordoloi of Dibrugarh as PW 2, who in his

evidence categorically stated that on 29.12.2015, he examined one Bina Konwar, who attended on her own with a history of bleeding per vagina last three months and after examination, she was diagnosed as missed abortion and accordingly he did dilation and curettage which actually means abortion of dead foetus. Upon examination, PW 9 opined that findings were suggested that girl has undergone abortion recently. At this point, it may be mentioned here that at Dibrugarh, as per the evidence of PW 2, the abortion was done on Bina Konwar. Though the name of the victim substantially differs, but her parents name were same as mentioned in the report. It might happen that for hiding the identity of the victim, her name was changed on records at the time of abortion by PW 2 at Dibrugarh. However the evidence of PW 9 that the victim has undergone abortion recently was never under challenge from the defence. From the evidence of other witnesses, who has attended the village meeting, it is clear that there was a discussion on the matter of pregnancy of the victim. Though some challenge has been made as to the person responsible for the pregnancy, but the fact that at the relevant time of filing the FIR the victim has undergone abortion remains unshaken. As such, as the victim was 14 years of age and admittedly unmarried and she had to undergo abortion this fact clearly leads to show that she was sexually abused by way of penetrative sexual assault on her.

Having coming to the conclusion as above, now the prime question for decision is whether the accused is responsible for causing pregnancy of the victim. As narrated herein above, the victim in her evidence stated that about a year back i.e. in the month of July 2015, accused Suchen Konwar, who was her paternal uncle has committed physical sexual relation with her and prior to this, on 4-5 occasions accused did physical relation with her. In her cross examination victim admitted that during investigation, police brought her to Court and she gave her statement on being tutored by the Mahila Samity members. She further admitted that accused never put her

under threat or never restrained her from disclosing the same to others. PW 3, the mother of the victim in her evidence deposed that on seeing the pregnancy symptom, while she asked the victim, initially she was reluctant and on scolding her, the victim reported that she was pregnant through the accused and on this a village meeting was held and subsequently she lodged the FIR. In her cross examination PW 3 disclosed that on non-disclosing the name of the person responsible, she physically assaulted the victim and then only she named the accused. PW 3 further admitted that the victim did not tell her in detail as to how accused cohabited with her. She denied the defence suggestion of falsely implicating the accused. PW 4, the father of the victim also stated that from the victim he came to know that she was pregnant through the accused. In his cross he denied the defence suggestion that before police he has not stated regarding informing by the victim that she was pregnant through the accused. However this fact was confirmed by the I.O. As such, this vital part of evidence appears to be exaggerated. Similarly, PW 5, PW 6, PW 7 and PW 10 in their evidence stated that there was a village meeting on the matter of pregnancy of the victim and in the said meeting the victim disclosed that she was pregnant through the accused. But during cross examination these witnesses admitted that they have not stated before police regarding disclosure by the victim. PW 6 and PW 10 also stated that during question to the accused he confessed the guilt, but in their cross thy admitted that no such statement was made before police. As such, this part of evidence, i.e. confession of the accused as well as disclosure by the victim before the villagers is apparently exaggerated. This being the vital part of evidence roping the accused with the alleged crime, appears to be exaggerated and hence it amounts to contradiction.

22. So far extra judicial confession before the villagers by the accused is concerned, the evidence of PW 5, PW 6, PW 7 and PW 10 being exaggerated cannot be relied upon to hold the accused guilty. Under these

facts and circumstances, the only evidence remains is of the victim.

- 23. The other disturbing factor is the time of alleged crime and pregnancy thereof. On looking at the facts and circumstances of this case, it appears that the alleged physical relation was made in the month of July 2015 and prior to that victim has stated that neither she was threatened nor she was restrained by the accused to suppress the matter. Even then admittedly victim did not disclose the fact of physical relationship by the accused with her on 5-6 occasions and remains silent for about three months. As per the medical report she was aborted on 30.12.2015. As such, though having complaint of stopping of menstruation for three months, it will become doubtful as to whether the victim was pregnant through the accused.
- The other disturbing aspect as appeared in the evidence of PW 3 is that only after physical assault by her, the victim disclosed the name of the accused. There is admission in the cross examination of PW 3 that there are some dispute regarding paternal property. PW 4 has admitted that accused got more share in the paternal property and he got less. Though he denied of having any dispute, but his wife, i.e. PW 3 has admitted that fact.
- 25. The other aspect is filing of FIR due to pressurize by Mahila Samity members as admitted by PW 3. PW 1 in her cross also admitted that she gave her statement in Court u/s 164 Cr.P.C. on being tutored by the Mahila Samity members.
- As stated earlier, non-disclosure of the name of the accused in the village meeting, i.e. as discussed earlier being exaggerated and also the fact that so called extra judicial confession by the accused was also exaggerated and particularly the fact that there is nothing in the evidence of the victim that in the meeting she disclosed the name of the accused before the villagers clearly leads me to take a view that in this case the applicability of Section 29 of POCSO Act, 2012 regarding presumption appears to be rebutted.

- 27. Section 29 of POCSO Act provides for drawing of presumption about truthfulness of the evidence of the victim. Hon'ble Gauhati High Court in the case of Latu Das Vs State of Assam (Crl. Appeal (J) No. 55 of 2018) decided on 29.10.2019 has interpreted the application of Section 29 as follows:
  - "24. We also take note of the presumption under Section 29 of the POCSO Act which provides that when a person is prosecuted for committing or abetting or attempting to commit any offence under Section 3, 5, 7 and section 9 of this Act, the Special Court shall presume that such person has committed or abetted or attempted to commit the offence as the case may be, unless the contrary is proved. The above statutory presumption, which a Court is bound to raise in a prosecution for offence under Section 3, 5, 7 and 9, of the POCSO Act put a reverse burden on the accused, which is an exception to the general principle of criminal justice, that burden to prove the guilt beyond reasonable doubt lies on the prosecution, and the accused has a right to remain silent. The statutory presumption under Section 29 of the POCSO Act creates a restriction on the accused's right to remain silent. Because once there are adequate material for raising a presumption under Section 29 of the PCSO Act, the special court is justified in recording conviction on the basis of such presumption, unless the accused rebut, the presumption, or proves the contrary, to what was/were the basis of raising presumption.
  - 25. However, one must bear in mind that presumption is not in itself evidence, it is only inference of fact drawn from other known or proved facts; and as such, in order to draw a presumption, statutory or otherwise, there must be existence of proved facts, from which a presumption can be raised. Therefore, presumption under Section 29 of the POCSO Act, does not absolve the prosecution from its usual burden to prove the guilt of the accused beyond reasonable doubt. It only lessen its burden to some extent and put a corresponding burden on the accused. Initial burden in a criminal case is always on the prosecution to bring on record reasonable evidence and materials to prove that the accusation brought against the accused is true. Once such evidence or materials are brought on record prima facie establishing the case of the prosecution, then only the Court is obliged to raise presumption under Section 29 of the POCSO Act and in that situation only the burden stands shifted to the accused to rebut the presumption. If the accused fails to rebut the presumption, Court is justified to hold the accused guilty of offence under Section 3, 5, 7 & 9 of the POCSO Act."

- 28. In view of above, looking at the evidence of the victim (PW 1) alone, and particularly having no evidence to show that the accused used to visit the residence of the victim, spending time in that house for committing physical relationship with the victim, I am of the opinion that the evidence of the victim is not free from doubt and trustworthiness. Her evidence alone without any further corroboration cannot be treated as trustworthy. Section 29 of Pocso Act cannot be applied in this case.
- 29. From the totality of the fact, I am of the opinion that it will be unsafe to rely the testimony of PW 1 and PW 3 so far allegation of penetrative sexual assault by the accused is concerned, as doubt remains in the prosecution case. Law is well settled that when there is any doubt remains in the case, the benefit must go to the accused. In view of above, I am of the opinion that in this case accused is entitled for benefit of doubt.
- 30. Considering all above, I am of the opinion that prosecution has failed to prove the charge u/s 6 of POCSO Act, 2012 against the accused Suchen Konwar. As such, accused Suchen Konwar is acquitted from the charge u/s 6 of POCSO Act, 2012 on benefit of doubt and set at liberty forthwith.
- 31. Issue release order to the Jail Supdt. of District Jail, Sivasagar accordingly.
- 32. As the accused was in Jail custody, no order is passed u/s 437-A Cr.P.C.
- 33. Considering the fact and circumstances of the case, the matter is not referred to DLSA for granting compensation u/s 357-A Cr.P.C.
- 34. Learned State defence counsel is entitled for his professional fees from Govt. of Assam as per rules.
- 35. Send a copy of the judgment to learned District Magistrate, Sivasagar u/s 365 Cr.P.C.

36. Judgment is pronounced in open court. The case is disposed of on contest.

Given under my hand & Seal of this Court on this the, 23rd day of December, 2019 at Sivasagar.

Special Judge <u>Sivasagar</u>

## **APPENDIX**

- 1. Prosecution witnesses -
  - PW 1 Victim 'MK'
  - PW 2 Dr. Prahlad Bordoloi (MO)
  - PW 3 Smt. Usha Konwar (Informant)
  - PW 4 Sri Duleswar Konwar
  - PW 5 Sri Mridul Gogoi
  - PW 6 Smt. Gunati Gogoi
  - PW 7 Smt. Rina Konwar
  - PW 8 Sri Putul Gogoi
  - PW 9 Dr. Pranab Kr. Dutta (MO)
  - PW 10 Sri Jadumani Bora
  - PW 11 Sri Chittaranjan Iswary (IO)
- 2. <u>Defence witnesses</u> None
- 3. Court witnesses None
- 4. Exhibits by prosecution -
  - Exbt.1 Statement of the victim given in Court u/s 164 Cr.P.C.
  - Exbt.2 Medical examination report
  - Exbt.3 FIR
  - Exbt.4 Seizure list
  - Exbt.5 Medical examination report
  - Exbt.6 Sketch map
  - Exbt.7 Seizure list
  - Exbt.8 Charge Sheet.
  - M.Exbt.1 Age certificate of the victim 'MK'

Special Judge, Sivasagar