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

District: Kamrup, Amingaon

Present: Smti. B. Kshetry

Special Judge,

Kamrup, Amingaon

Special Sessions (POCSO) case No.32/2018

U/S-8 of POCSO Act, 2012

State of Assam

-Versus-

Sri Sailen Kalita

s/o-Late Nandeswar Kalita

Resident of vill -No.2 Adaboi

P.S.-Sualkuchi

Dist- Kamrup (R)

-----Accused

Appearance:

Mr. A.K. Baruah. Ld. Addl. Public Prosecutor -----for the State

Mr. A. Sarma, Ld. Advocate ------for the accused

Date of evidence: 24.09.2018, 14.11.2018, 21.01.2019, 30.05.2019

Date of Argument: 01.07.2019

Date of Judgment:15.07.2019

### **JUDGEMENT**

- 1. The Prosecution case in brief is that—on 30.04.2018, the informant—Sri Deepa Kalita lodged an ejahar alleging that on 19.04.2018 at about 8.30 a.m when his minor son went to the shop of the accused—Sailen Kalita for purchasing some grocery items, then the accused taking advantage of loneliness, sexually assault him. And hence, this case.
- 2. On the basis of the said ejahar, Sualkuchi P.S Case No. 31/2018 U/S-8 of the POCSO Act, 2012 was registered. Investigation was conducted into the case and after completion of investigation, charge-sheet was submitted against the present accused person—SailenKalitaU/S- 8 of the POCSO Act, 2012.
- 3. The case was duly committed and this Court after hearing both the parties, framed charge U/S- 8 of the POCSO Act, 2012 against accused—SailenKalita. The aforesaid charge was read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.
- 4. During the trial, the Prosecution side examined as many as seven (7) numbers of witnesses including the informant and victim.

### 5. **POINT FOR DETERMINATION**

(I) Whether the accused person on 19.04.2018 at about 8.30 a.m at village No.2 Adaboi under Sualkuchi P.S. committed sexual assault on the prosecutrix and thereby committed sexual assault within the meaning of section 7 of the POCSO Act, 2012 punishable U/S-8 of the POCSO Act, 2012 ?

### 6. **DISCUSSION, DECISION AND REASONS THEREOF**

- 7. Here, in this instant case, the accused is charged u/s 8 of POCSO Act. Now, question comes, whether the offence committed by the accused falls u/s 8 of POCSO Act. Sexual Assault is defined U/S 7 of 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." Section 8 of POCSO Act prescribes the punishment for the offence u/s 7of the Act
- 8. Now, it has to be seen from the evidences on record as to whether the accused committed sexual assault upon the prosecutrix (minor son of the informant).
- 9. Pw-1 is the prosecutrix. Informant is his mother. He knows the accused— SailenKalita. Pw-1 stated that the incident took place at around 8.30 am at No.2 Adaboi in the grocery shop of the accused. His mother (P.W.2) had sent him to the shop of the accused to bring 'Suji' and 'Sugar'. The shop is located nearby their house. He went alone to the shop. At that time, no other persons were present in the shop. Then, the accused opened the zip of his pant and touched his penis and the accused also opened his zip and asked him to touch his penis. For about 15 minutes, accused did so with him. P.W.1's school was open on that day and as he was late in returning home from the shop, his mother sent his younger sister to called him back. Then, P.W.1 returned home along with the grocery items. Thereafter, he went to the school. In the evening, he told his mother about the incident. His mother enquired him as to how many days accused did like this to him, then he told his mother that accused on two occasions accused did this kind of act with him but out of fear he did not tell anyone at home. Thereafter, his mother told the incident to his father (P.W.3). Then, his mother gave the case. Police recorded his statement. Pw-1 was medically examined and he gave his statement u/s 164 Crpc. Ext-1 is his statement and Ext-1 (1 to 3 ) are his signatures.

In her cross-examination, pw-1 stated that the grocery shop of the accused was openat the time of incident. He did not raise any hue and cry at the time of incident. The other shops near the grocery shop of the accused were also open at the relevant time. P.W.1 was in his school dress (khaki half pant and white shirt) at the time of occurrence. Police did not seize the half pant. P.W.1 stated further that at 8.45 a.m, he returned home from the shop. He was present in his school from 9.00 a.m till 2 p.m on that day. But he did not tell his school friends about the incident.

10. Pw-2 DeepaKalita is the informant and the mother of the victim. She stated that the incident took place at around 8.30 am at No.2 Adaboi in the grocery shop of the accused. At the relevant time, he send her minor son (prosecutrix) to the grocery shop of the accused to bring 'suji' and 'sugar'. The shop is located nearby their house. As P.W.1 did not return back immediately with the grocery items, P.W.2 sent her younger daughter aged about 7 years to bring back P.W.1 as it was a school day for her children. Thereafter, both of them returned back from the shop and the prosecutrix (P.W.1) handed her the items and he went out to school. At around 3 / 4 p.m after taking rest, prosecutrix told her that the accused opened the zip of his pant and touched his penis and also he opened his zip and asked him to touch his penis. For about 15 minutes the accused did this to him. P.W.2 then enquired him as to how many days accused did like this to him, then he told her that accused on two occasions did this kind of act with him. P.W.2 told the incident to her husband—HemanKalita (P.W.3). Thereafter, they both went to the shop of the accused to enquire the incident but the accused denied committing any sexual assault with their son. P.W.1 stated that on 21.04.2018, she went to Lakhimpur for including her name in NRC list and she returned home on 30.04.2018. They waited for the accused toaskedfor forgiveness from them regarding the incident. But, they got an information from local people that the accused had given a case against them in Sualkuchi P.S. Thereafter, on 01.05.2018, P.W.2 lodged anejahar in Sualkuchi P.S. Ext-2 is the ejahar and Ext-2 (1) is her signature. Ext-2 is the ejahar and Ext-2(1) is her signature. Police recorded her statement. Police also enquired about the incident from the prosecutrix.

In her cross-examination, pw-2 stated that prosecutrix was wearing his school dress on the day of the occurrence which is khaki half pant with white shirt. Khaki pant has front zip. Police did not seize the Khaki pant worn by the prosecutrix at the time of incident. No other people saw the incident. P.W.1 stated that there are shops and houses near the grocery shop of the accused. Prosecutrix did not tell his younger sister about the incident when she went to bring him back from the shop. Prosecutrix returned home at 8.45 a.m. P.W.2 disclosed that she received NRC notice for which she left for Lakhimpur immediately after the date of occurrence. P.W.2 was asked to be present at Lakhimpur town for verification of NRC documents on 23.04.2018. P.W.2 did not submit any ticket or NRC document to the I/O regarding her visit to Lakhimpur. The distance between her house and Sualkuchi P.S is about 30 minutes by Auto Rickshaw.

11. Pw-3 Sri Hemen Kalita deposed that informant is his wife and the prosecutrixis his son. The incident took place on 19.04.2018. P.W.3 stated that in the evening when he returned home, his wife—Smti. DeepaKalita told him that she had sent the prosecutrix to the grocery shop of the accused to bring 'Sugar' and 'Suji' at 8.00 a.m. Prosecutrix was wearing his school pant. The accused—SailenKalita opened the pant of the prosecutrixand touched his penis. Thereafter, he gave the grocery item to the mother and went away to the school. In the evening, after returning from school, he told the incident to his mother and when he heard about the incident, he went to the grocery shop of the accused and asked him about the incident but the accused denied committing the offence. Thereafter, they waited for sometime to settle the matter. Instead, the accused gave an ejahar against them. After 2 days of the incident, he and his wife went to Lakhimpur for NRC works. On return, his wife lodged the ejaharagainst the accused. Police enquired the incident from him.

In his cross-examination, pw-3 stated that prosecutrix is now studying in class-V. His school timing is from 9.00 a.m to 2.30 p.m. The school is about 100-200 metres away from their house. It takes 10-15 minutes to reach there. Victim was in his school uniform on the day of the incident. His uniform is khaki pant and white shirt. There are 4 houses between his house and the grocery shop of the

accused. The accused gave an ejahar against them alleging that the prosecutrix did not pay him a sum of Rs.30/- on the date of occurrence. P.W.3 stated that they went to Lakhimpur on 21.04.2018 and returned on 28.04.2018. P.W.3 had informed the Village Headman and Childline Officer about the incident before lodging the ejahar. This witness also stated that he was present in the house when his wife sent the prosecutrix to the grocery shop of the accused person but when prosecutrix did not return home for about 10/15 minutes, they sent their daughter to bring him back from the shop as he was getting late for school. Police did not seize any clothes of the prosecutrix from the house. P.W.3 disclosed that after the incident, prosecutrix started to live in fear.

- 12. Pw-4 Sri Uma Kanta Kalita stated that he knows both parties as well as the victim. On 29.04.2018, informant, her husband and prosecutrixcame to his house. Then, the informant—Smti. DeepaKalita told him that about one week ago, accused—Sailenkalita put his hand inside the pocket of pant of the prosecutrixand did some bad act with him. She told him that the prosecutrix had gone to the grocery shop of the accused to bring some items at around 8 a.m. Thereafter, P.W.4 advised them to take the help of police. Police enquired about the incident over phone.
- 13. Pw-5 Sri Hari Prasad Das knows both parties.He stated that prosecutrix is 10 years old at present.The incident took place on 19.04.2018 at 8.30 a.m. On 30.04.2018, informant—Smti. Deepa Kalita came to his house and told him the incident and asked him to write the ejahar. Accordingly, P.W.5 wrote the ejahar marked as Ext.2. Ext. 2 (2) is his signature.

In his cross-examination, pw-5 stated that accused stays at a distant of  $1 \ \frac{1}{2} \ \text{km}$  away from his house. He has no personal knowledge about the incident.Incident was narrated to him by the informant and then he wrote the ejahar.

14. PW-6 Dr Raktim Pratim Tamuli is the MO of this case. On 01.05.2018 he was working as a Demonstrator, Department of Forensic Medicine at GMCH. On that day, he examined one Nilotpol Kalita, male, aged 10  $\frac{1}{2}$  years of age brought in reference with Sualkuchi P.S case No. 31/18 U/S-8 of the POCSO Act, 2012.

Victim was accompanied and identified by AHG, Md. Arifuddin Ahmed. The father of the victim stated before him thaton 19.04.2018 the accused asked the victim to open his zip and he touched the penis of the victim and the accused also opened his zip and asked the victim to manipulate his penis.

On the physical examination of the victim found---

Height—136 cm, weight—27 kg, chest girth—61 cm, abdominal girth—58 cm, total 21 teeth were present and all were permanent. Scalp hair-3-4 cm in length. Axillary hair, pubic hair – absent. Body—Male type, Bears and Mustaches—Absent, breast-male type.

# On genital examination:-

Genital organs—Healthy, prepuce—Healthy, Frenum—Healthy, Glans—Healthy, Smegma—Absent, Scrotum & Testis—Healthy, evidence of venereal disease—Absent, Penile Swabs collected from-around the anus. Injury on the body—absent. Mental condition at the time of examination—Normal, co-operation and behavior—Co-operative and good, intelligence and memory—Average, Gait-Normal.

#### Result of laboratory investigation:-

Swabs taken from around the anus on glass slides did 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. There is no evidence of recent sexual intercourse detected on that person (boy).
- 2. There is no injury detected on his private parts.
- 3. The age of the victim boy is above 10 (ten) years and below 12 (twelve) years on the date of examination.

Ext.3 is the medical report. Ext. 3(2 to 4) are his signatures.

In his cross-examination P.W.6 stated that the mental condition of the victim was found to be normal at the time of examination which means he was well oriented to time, place and person. P.W.6 did not observe any emotional stress and trauma of the victim. P.W.6 has not referred the victim for counselling.

15. Pw-7 S/I Tarun Talukdar is the I.O who investigated the case. He deposed that on 30.04.2018, he was working as Second Officer at Sualkuchi P.S. On that day the informant—Smti. Deepa Kalita lodged an ejahar in Sualkuchi P.S. at 6.00 p.m. Thereafter O/C, Sualkuchi P.S registered a case bearing Sualkuchi P.S Case No.31/2018 U/S- 8 of POCSO Act, 2012 and directed him to investigate the case. Accordingly, he recorded the statements of the informant and the victim in the police station. On that very day, he visited the place of occurrence along with the staffs at 6.45 p.m on that very day. He recorded the statements of the other witnesses. P.W.7 prepared the sketch map. P.W.7 brought the accused— SailenKalita to the police station and arrested him and forwarded him to the Court. P.W.7 sent the victim for medical examination and produced him to the court for recording his statement U/S-164 Cr.P.C. P.W.7 collected the medical report of the victim. Thereafter, P.W.7 completed the investigation and on finding sufficient evidence against the accused person, he submitted the charge-sheet against the accused person U/S- 8 of POCSO Act. Ext.4 is the sketch-map and Ext.4 (1) is his signature. Ext.5 is the charge-sheet and Ext.5 (1) is his signature.

In his cross —examination, pw-7 stated that he did not take the measurement of the shop (place of occurrence), which has been mentioned in the sketch map. He has not indicated the door of the shop therein. He has not specifically indicated the corner of the shop where the incident occurred. He also did not indicate the lights in the shop. He did not record the statements of the persons, who are the neighbours near the place of occurrence. He did not seize the clothes of the victim and that of the accused. He did not send the victim for further counseling.

16. At the close of the prosecution evidence, statement of the accused person U/S 313 Cr.p.c has been recorded. He has denied committing the offence and declined to adduce evidence.

- 17. I have heard the arguments of the Learned Additional Public Prosecutor as well as the Learned Defence Counsel. Defence side submitted written argument. The accused has alleged to have committed the offence of sexual assault upon the minor male child of the informant.
- 18. Learned Counsel for the accused submitted that the accused is innocent and the ejahar has been filed only to harass him. He further submitted that the P.Ws have made contradictory and false statements, and therefore, the statements cannot be relied upon. He contended that none of the independent witness have supported the prosecution case.
- 19. Here in this instant case, the victim (prosecutrix), is the vital witness. It is in his evidence as P.W.1 that on the date of occurrence at about 8.30 a.m he went alone to the shop of the accused to bring 'suji' and 'sugar' as sent by his mother (P.W.2). At that time no other persons were present in the shop. Victim, (P.W.1) alleged that the accused opened the zip of his pant and touched his penis and also he opened his zip and asked him to touch his penis. For about 15 minutes, accused did this to him. P.W.1 revealed that on two occasions the accused did so with him. The incident was told by P.W.1 to his mother in the evening. Evidence of P.W.1 is supported by his mother /informant (P.W.2), who has clearly stated that on the relevant date at 8.30 a.m, she sent her son (P.w.1) to the nearby grocery shop of the accused to bring 'suji' and 'sugar'. She has disclosed that in the evening, P.W.1 narrated the incident to her. Her version is that the accused opened the zip of his pant and touched his penis and the accused also opened his zip and asked him to touch his penis and he did so for 15 minutes. According to P.W.2, P.W.1 told her that the accused did so with him on two occasions. P.W.2 then told the incident to her husband (P.W.3). The witness (P.W.3) corroborated the evidence of P.W.2 and stated that in the evening when he returned home, his wife (P.W.2) narrated him the incident. He too stated that he heard from P.W.2 that when P.W.1 went to the grocery shop of the accused to bring 'suji' and 'sugar' at 8 a.m then, the accused opened his pant and touched his penis. P.W.4 is the independent witness. His evidence is

that he heard from P.W.2 that the accused did some bad act with P.W.1, when P.W.1 went to the grocery shop of the accused to bring some items at 8.00 a.m.

- 20. Now, it has come out from the statement U/S-164 Cr. P.C of the victim that he was 10 years old at the time of incident. MO also confirmed that the victim was a minor boy at that time. Independent witness, P.W.5 also stated that victim is 10 years old. Therefore, victim was a child as per section **2** (d) of **POSCO, Act**.
- 21. Learned Counsel for the accused contended that the accused is innocent and has been falsely implicated in the case. He argued that there are no eye witness to the occurrence except the prosecutrix.
- 22. It is 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 the evidence found the witness to be trustworthy and reliable.
- 23. In the case of Dattu Ramrao Sakhare-versus-State of Maharastra, 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 circumstances 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 demeanour 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 is attached to the statement of any other witness if the testimony is consistent. In the present case, the victim has been consistent on the material particulars with regard to the incident. Further, there is full corroboration by his parents, i.e. P.W.2 and P.W.3 together with the reported witnesses- P.W.4, P.W.5. Minor contradictions and omissions in the testimonies of the witnesses cannot be a ground to discard their evidence.
- 26. He further submitted that allegation made in the FIR and in the statements of the victim U/S-164 Cr. P.C and section 161 Cr. P.C are contradictory. He also argued that there are contradiction in the evidence of the witnesses and in their statements made before the police U/S-161 Cr. P.C.
- 27. On perusal of the statement of the victim before the court as P.W.1 and his statement before the Magistrate U/S-164 Cr. P.C, I do not find any major contradiction at all. He has also fully supported the allegations made in the ejahar. The evidence of the victim does not suffer from infirmity so to disbelieve her version. There does not appear anything to show that victim is tutored.
- 28. Further argument of the learned Counsel for the accused is that the informant made a concocted and fabricated story against the accused to harass him and there has been inordinate delay in lodging the FIR by the informant, when the police station was in close vicinity of the place of occurrence.
- 29. Perused the FIR. It is found that the alleged incident took place on 19.04.2018, while the ejahar has been lodged on 30.04.2018. It is in the evidence of P.W.2 (informant) that on coming to know about the incident, she and her husband (P.W.3) went to meet the accused person to enquire about the incident of sexual assaultation upon the son (P.W.1) but the accused denied committing

the same. Then, on 21.04.2018, P.W.2 left for Lakhimpur for including her name in the NRC list and she returned home on 30.04.2018. This witness revealed that they waited for the accused to seek forgiveness from them. But they were informed that the accused had given a case against them in Sualkuchi P.S. Thereafter, P.W.2 lodged the ejahar. Even P.W.3 (husband of P.W.1) stated clearly that he went to meet the accused after hearing the incident and asked him about it. But the accused denied committing the offence. They waited for some time to settle the matter. But the accused gave an ejahar against him. His evidence further discloses that after two days of the incident, he and his wife (P.W.2) went to Lakhimpur for NRC works and on their return, the ejahar was lodged. Victim (P.W.1) has also clearly stated in his statement U/S-164 Cr. P.C (Ext.1) that after he told his mother, then both his parents went to meet the accused regarding the incident and to make him seek for forgiveness from them but the accused did not do so. Instead he gave an ejahar on the victim alleging that he had brought items worth Rs.30/- from his shop without making payment. Next day of the incident, they left for Lakhimpur for NRC works for which there was delay in lodging the ejahar.

- 30. It is a settled principle of criminal jurisprudence that mere delay in lodging the FIR may not prove fatal in all cases, but in the given circumstances of a case, delay in lodging the FIR can be one of the factors which corrode the credibility of the prosecution version. Delay in lodging the FIR cannot be a ground by itself for throwing away the entire prosecution case. The court has to seek an explanation for delay and check truthfulness of the version put forward. If the court is satisfied, then the case of the prosecution cannot fail on this ground alone. [Yakub Ismailbhai Patel Vs State of Gujrat [(2004) 12 SCC 229]], State of Rajasthan Vs Shubh Shanti Service Ltd. Vs Manjula S. Agarwalla & Ors [(2000) 5 SCC 30].
- 31. Upon going through the evidences of the P.Ws, I find that the version of the P.Ws are reliable and have corroborated with each other. So, the delay in lodging the ejahar is not fatal for the prosecution case. Even a long delay can be condoned, if witness has no motive for falsely implicating the accused. Defence

did not adduce any evidence in support of the allegation that the items were brought from the shop of the accused by the victim without making any payment.

- 32. Though it was argued on behalf of the accused that he has been falsely implicated in the instant case by the victim and his mother to harass him, but the accused has failed to discharge the onus of proving that he had been falsely implicated in the case due to enmity or any other reason. Accused did not adduce any defence evidence to prove that he has been falsely implicated in the case.
- 20. In the light of the evidence of the victim (P.W.1) as well as his parents (P.W.2 and P.W.3) together with the evidence of independent witnesses (P.W.4 and P.W.5), this court can presume under section 29 of the POCSO Act, 2012 that it was the accused, who had committed sexual assault upon the victim and sexual intent required as per Section 7 of the POCSO Act, 2012 can also be presumed in the light of Section 30 of the Act which provides that a Special Court shall presume that the accused had committed the offence of sexual assault unless contrary is proved. As per **Section 30 of POCSO Act**, the culpable mental state of the accused should be presumed .The section reads as follows —:
  - (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental State with respect to the act charged as an offence in that prosecution.
  - (2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.
- 33. 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 but the accused failed to do so in this instant case.

- 34. Therefore, it is clear from the evidences on record, that when the prosecutrix (P.W.1) went alone to the shop of the accused to bring 'Suji' and 'Sugar' then, the accused opened the zip of his pant and touched his penis and accused also opened his zip and asked P.W.1 to touch his penis. His evidence is corroborated by other witnesses. This attracts the offence of sexual assault U/S-7 of the POCSO Act which is punishable U/S-8 of the POCSO Act, 2012. The offence U/S-8 of the POCSO Act is well proved against the accused.
- 35. In the result, it is held that the prosecution has succeeded in bringing home the chargeU/S 8 of the POCSO Act against accused—Sailen Kalita beyond all reasonable doubt. Hence, he is held guilty of committing the offence punishable under section 8 of the POCSO Act and is convicted under the said section of law.
- 36. Considering the facts and circumstances of the case and the nature of the offence committed by the accused, he is not entitled to get the benefit of Probation of Offender Act or under section 360 Cr.p.c.

### 37. **SENTENCE**

Heard the accused on the question of sentence. Also heard the Learned Defence Counsel as well as the learned Addl. Public Prosecutor. Accused has stated that he has not committed the offence and he has no earlier criminal antecedent. He submitted that he is a shop keeper and he has a family to look after. He has pleaded leniency in awarding the punishment.

38. Considering the entire facts and circumstances of the case, the nature of the offence and the mental injury suffered by the child victim, the accused – Sailen Kalita is sentenced to undergo rigorous imprisonment for 3 (three) years and to pay a fine of Rs. 5,000/- (Rupees five thousand) only in default to undergo rigorous imprisonment for 6 (six) months, for the offence under section 8 of POCSO Act, which in my opinion , will meet the ends of justice in this case.

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39. The period of detention already undergone by the accused will be set

off from the period of imprisonment.

40. Now, coming to the aspect of compensation to the victim, who is a

minor boy. He has suffered mental agony. And he needs to be provided with

restorative and compensatory justice. So, the Learned Secretary, District Legal

Service Authority, Kamrup, Amingaon is directed to assess and grant adequate

compensation to the prosecutrix (P.W.1). The said compensation amount shall be

used by the parents of the prosecutrix for his welfare.

41. The Judgment is delivered in open Court and written on separate

sheets.

42. A free copy of the Judgment be furnished to the convict

immediately. A copy of this order and Judgment be sent to the District

Magistrate, Kamrup, Amingaon as per provision of law.

Given under my hand and seal of this Court on this 15<sup>th</sup> day of July,

2019.

Special Judge,

Kamrup, Amingaon

Dictated and corrected by me

Special Judge,

Kamrup, Amingaon

## <u>APPENDIX</u>

## **Prosecution Witness:**

Pw-1 is the prosecutrix

Pw-2 Deepa Kalita

Pw-3 Sri Hemen Kalita

Pw-4 Sri Uma Kanta Kalita

Pw-5Sri Hari Prasad Das

PW-6 Dr. Raktim Pratim Tamuli

Pw-7 S/I Tarun Talukdar

# **Prosecution Exhibit**

 $\mbox{Ext.1}$  is the statement of the Prosecutrix made before the Court U/S—164 Cr. P.C.

Ext-2 is the ejahar

Ext.3 is the medical report

Ext.4 is the sketch-map

Ext.5 is the charge-sheet

Special Judge, Kamrup, Amingaon