IN THE COURT OF THE SPECIAL JUDGE AT JORHAT

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

(G.R. Case No. 3202 of 2013) Mariani P.S. Case No. 227 of 2013

Committing Magistrate:-

Sri A.K. Baruah, Sub-Divisional Judicial Magistrate, Titabar Sub-Division, Jorhat District

State of Assam

Versus

Sri Ram Bhuyan, Son of Late Gobardhan Bhuyan, Resident of Naginijan Tea Estate Staff Line, P.S. Mariani,

District-Jorhat. Accused

APPEARANCES:

For the State : Sri M.R. Barooah, Special Public Prosecutor

For the Accused: Smt. Chinu Devi, Learned State Defence Advocate

CHARGE FRAMED UNDER SECTIONS 376 [2] [f] OF INDIAN PENAL CODE READ WITH SECTION 8 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Date of institution of the case : 20-12-2013
Date of Charge : 31-05-2014

Date of prosecution evidence: 25-08-2015; 08-09-2015; 28-03-2016;

26-05-2016

Statement of Accused

Recorded on : 14-06-2016

Date of Argument : 24-06-2016 & 18-07-2016

Date of Judgment : 26-07-2016

JUDGMENT

1). The prosecution story, in brief, is that Mariani P.S. Case No. 227/2013 under Section 376 [2] [f]/511 of IPC read with Section 7 of The Protection of Children From Sexual Offences Act, 2012 was registered on the basis of an F.I.R. lodged by Smt. Sharmila Nayak, mother of the victim girl.

In the aforesaid **F.I.R.** dated 20/12/2013 **[Exhibit-2]** the informant Smt. Sharmila Nayak [PW-3] who is the mother of the victim girl alleged inter-alia that on 19/12/2013 accused induced the four & half years minor girl of the informant [name not disclosed for the sake of the girl], i.e., the victim, and took her to No-6 Section of Naginijan Tea Estate and accused attempted to commit rape upon the victim at about 4.30 P.M. on the same day.

On receipt of the aforesaid F.I.R. by the In-charge, Deberapar O.P., entered the same in its G.D. Entry vide No. 90 dated 20/12/2013 and the same was sent to the Officer-in-charge, Mariani P.S. for registering a case under proper sections of law. Thereafter, Officer-in-charge, Mariani P.S. received and registered Mariani P.S. Case No. 227/2013 under Sections 376 [2] [f]/511 of IPC read with Section 7 of The Protection of Children From Sexual Offences Act, 2012.

During the course of investigation the victim girl was medically examined by the doctor, her statement under Section 164 of Cr.P.C. was recorded. The police on completion of investigation filed charge-sheet in the case against the above named accused Ram Bhuyan u/Ss. 376 [2] [f]/511 of IPC read with Section 7 of The Protection of Children From Sexual Offences Act, 2012 vide Charge-sheet No. 17/2014 dated 28/02/2014.

- **2).** The learned Magistrate after furnishing copies of the relevant documents to the accused u/S. 207 of Cr.P.C., committed the case to this Court for trial.
- **3).** Upon consideration of the record of the case and the documents submitted therewith and after hearing the submissions of the accused and the prosecution in this behalf, my learned predecessor-in-office finding ground for

presuming that the accused has committed offences under Section 376 [2] [f] of IPC read with Section 8 of The Protection of Children From Sexual Offences Act, 2012, the charges were framed, read over and explained to the accused, to which, the accused pleaded not guilty and claimed to be tried.

4). During the course of trial, **7 [seven]** witnesses including the victim, her parents, the Medical Officer and the I.O. were examined on behalf of the prosecution to prove the charge u/S. 376 [2] [f] of IPC read with Section 8 of The Protection of Children From Sexual Offences Act, 2012.

On completion of prosecution evidence, statement of above named accused was recorded u/S. 313 of Cr.P.C. and the accused stated that he has been falsely implicated in the case. The accused pleaded innocence. No witness was adduced by the accused in his defence.

- I have heard Mr. Mukti Ranjan Barooah, learned Public Prosecutor for the State as well as Smt. Chinu Devi, learned State Defence Counsel for the accused ,who is facing trial for commission of offence u/S. 376 [2] [f] of IPC read with Section 8 of The Protection of Children From Sexual Offences Act, 2012.
- **6).** Now the points for determination before this Court are as follows:-
 - 1) Whether on 19/12/2013 at about 4.30 P.M. the accused induced the minor daughter of the informant and attempted to commit rape on the daughter of the informant and thereby committed an offence punishable under Sections 376 [2] [f] of IPC?
 - 2) Whether on the date of occurrence the accused, named above, committed sexual assault upon the victim girl as defined under Section 7 of The Protection of Children From Sexual Offences Act, 2012 and thereby committed an offence punishable under Section 8 of the Act?

DISCUSSION, DECISIONS AND REASONS THEREOF:

7). First of all, let me see what the relevant provisions of law states as far as charges against accused is concerned in this case.

Section-375—Rape — A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:-

First-Against her will.

Secondly-Without her consent.

<u>Thirdly</u>—With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

<u>Fourthly</u>—With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

<u>Fifthly</u>—With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

<u>Sixthly</u>—With or without her consent, when she is under sixteen years of age.

<u>Explanation</u>—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

<u>Exception</u>—Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Section 376 (2) (f) – Whoever, being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.

Section 511 – Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment-Whoever attempts to commit an offence punishable by this Code with

[imprisonment for life] or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished [with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence], or with such fine as is provided for the offence, or with both.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Section-7 – Whoever with sexual intent touches the vagina, penis, anus or breasts 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 — Whoever commits sexual assault shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for five years, and shall also be liable to fine.

- **8).** To decide the above points with reference to relevant sections of law we will have to examine, analyze and appreciate the evidence of the witnesses along with the relevant documents.
- **9). PW-1** is **Sri Jiten Nayak** who is the uncle of the victim. He deposed that mother of the victim is his elder sister and the incident occurred about one & half years back. He further deposed that when he returned back home after visiting his father, who was at that time admitted, at Jorhat Civil Hospital, he was called by one boy who disclosed to him that his elder sister is quarreling with the accused in her house and she had requested him to arrive at her house and when he arrived at the house of his elder sister he noticed the accused being apprehended by the villagers. Police arrived at the house of his elder sister. He

accompanied his elder sister to the police station and at that time the victim was present in her lap.

This witness was declared hostile by the prosecution and during crossexamination by the prosecution he denied to have stated before police that -"When he took the victim on his lap she cried in pain and thereafter she showed him her thighs; that the victim stated before him that the accused took her to the tea estate for walk and thereafter underneath a tree he plied one chadar and thereafter he kneeled down on her and committed rape upon her; thereafter she was taken back to her house by the accused; that he alongwith villagers went to the house of accused but he was not found present in his residence; that he fled away from his house; that thereafter the accused was apprehended by the villagers; that the accused confessed his crime before the villagers; that police was informed about the incident; that the victim was taken to Nakachari PHC for medical treatment; that he also accompanied the victim to the hospital; that the doctors of the PHC told before them that she has not suffered any injuries on her private part; that police thereafter wanted to take the victim to Jorhat Medical College & Hospital for her medical treatment but we refused".

He further deposed that he does not have visiting terms with his elder sister as she had eloped with another person and staying at Nakachari Chari-Ali. He also deposed that at present the victim resides in his house.

During cross-examination, he stated that he is ignorant if the parents of the victim are staying in the same land; that he does not know if the wife of accused had bought the land from the mother of the victim. He admitted that he did not question the victim regarding the incident and also did not notice any injury over the body of the victim.

10). PW-2 is the victim girl aged seven years, who during her deposition in Court stated that on the date of incident the accused took her to the tea estate, directed her to sleep on the cloth which was lying on the ground of the tea estate and thereafter the accused touched her private part. It is also stated by the victim that the accused during the course also pressed her thighs, for

which, she felt pain on being pressed by the accused with the help of his hands. Further version of the victim is that the villagers witnessed the incident and thereafter the accused was caught red-handed by the villagers. The victim also stated that police took her before a doctor for medical check-up.

During cross-examination, she denied the defence suggestion that she was tutored by her parents to depose falsely against the accused.

Hence, the evidence of the victim remained unshaked.

11). **Smt. Sharmila Nayak [PW-3]** who is the mother of the victim girl as well as informant of the instant case during her deposition in Court deposed that on the date of incident she was present at her work place and when she returned back home she noticed her daughter crying. Her daughter stated to her that her thighs were paining. It is her further version that her daughter stated to her that the accused had come to their house in her absence, took her to the nearby tea estate, directed her to sleep on the cloth which was on the ground and thereafter pressed her thighs with his hands. After receipt of the information from her daughter she went to the house of accused in search of him and found him sleeping in the house of one Bablu. She slapped the accused twice and thereafter some villagers came near her and asked the accused why he had committed the aforesaid crime. Someone informed the police and police arrived at her house, took her daughter to a doctor for medico-legal check-up and thereafter she lodged ejahar before police. She further divulged that she gave her statement before the Magistrate wherein she put her thumb impression.

During cross-examination, she confirmed that she did not sold her land to the accused. She denied that she had enmity with the accused and hence lodged false case against him.

She denied all the defence suggestions put to her during crossexamination.

12). The evidence of **Smt. Arati Nayak [PW-4]** is that she knows the accused as well as the informant Smt. Sharmila Nayak [PW-3]. It is also stated by her that when she returned back home at about 4.00 P.M. she heard shouts and altercation coming out from the house of the informant at about 6.00 P.M.

The informant together with her daughter arrived at her residence and in her presence the informant questioned the victim about the incident, to which, the victim disclosed that on the relevant day the accused had taken her to the tea estate, directed her to sleep on the cloth which was on the ground and thereafter the accused pressed her thighs with his both hands. The accused was apprehended by the boys of our tea estate.

During cross-examination, she admitted that the accused was sleeping under influence of liquor in the house compound of one Bablu. She denied all the defence suggestions put to her during cross-examination.

13). Sri Pobon Nayak [PW-5] also deposed in the same tune as that of Smt. Arati Nayak [PW-4]. Further, he deposed that he heard shouts of the informant and witnessed the informant speaking in loud voice alongwith the accused and when he heard about the incident from the informant he slapped the accused twice on his face. It is his further version that mother of the victim disclosed before him that accused had physically molested her daughter. At that time the accused was kneeling his head at the place of incident where he was apprehended by the villagers.

During cross-examination, he admitted that he suspect that the mother of the victim had lodged false case against the accused.

14). Md. Sahabuddin Ahmed [PW-6] who was posted at Nakachari Primary Health Center as Medical Officer, Ayurveda, examined the victim on 11/02/2014 as per police requisition and on examination he found no injury mark on the body of the victim.

The doctor opined the age of the victim as 4 $\frac{1}{2}$ years at the time of examination. The doctor exhibited his report as Exhibit-1 and his signature Exhibit-1 [1].

Defence side declined to cross-examine the doctor.

15). Sri Udhab Chandra Patowary [PW-7], investigating officer, deposed during his testimony that on 19/12/2013 while he was serving as Incharge, Deberapar O.P. under Mariani P.S., on that day he received information

that accused Ram Bhuyan had committed rape upon a minor girl and the accused has been badly assaulted by the villagers for the aforesaid act. The information was entered in General Diary Register. He visited the place of occurrence and witnessed about 60/70 people present who were assaulting the accused. He alongwith the help of Gaonburha and some local people took the accused in his possession after requesting them not to assault the accused. The victim alongwith her mother as well as her uncle were taken to the O.P. alongwith the accused and thereafter the victim was sent before a doctor for medico-legal check-up. After giving first-aid to her she was shifted to Jorhat Medical College & Hospital but the victim refused to go there as she was badly afraid. The mother of the victim namely Smt. Sharmila Nayak was produced before the Magistrate for recording of her statement under Section 164 Cr.P.C. As the victim was aged 4 ½ years, hence she was not produced before the Magistrate for recording her statement under Section 164 Cr.P.C. The informant lodged ejahar before him which he exhibited as Exhibit-2 and his endorsement with signature as Exhibit-2 [1]. He also exhibited the signature of the then Officer-in-charge, Mariani P.S. to be Exhibit-2 [2]. He further deposed that he drew Sketch Map of the place of occurrence which he exhibited Exhibit-3. After completion of investigation he submitted charge-sheet against the accused.

When he took the victim on his lap she cried in pain and thereafter she showed him her thighs; that the victim stated before him that the accused took her to the tea estate for walk and thereafter underneath a tree he plied one chadar and thereafter he kneeled down on her and committed rape upon her; thereafter she was taken back to her house by the accused; that he alongwith villagers went to the house of accused but he was not found present in his residence; that he fled away from his house; that thereafter the accused was apprehended by the villagers; that the accused confessed his crime before the villagers; that police was informed about the incident; that the victim was taken to Nakachari PHC for medical treatment; that he also accompanied the victim to the hospital; that the doctors of the PHC told before them that she has not suffered any injuries on her private part; that police

thereafter wanted to take the victim to Jorhat Medical College & Hospital for her medical treatment but we refused".

During cross-examination, he denied all the defence suggestions put to him.

- 16). From a close perusal of the evidence on record it is seen that nowhere in the statement of the victim [PW-2] who is the star witness of the instant case has stated that the accused had committed rape upon her. Rather, the victim has divulged that on the date of incident the accused took her to the nearby tea estate, directed her to sleep on the cloth which was lying on the ground of the tea estate and thereafter the accused touched her private part. She further deposed that the accused also pressed her thighs with his hands for which she felt pain. The villagers witnessed the incident. Thereafter the accused was caught red-handed by the villagers. This piece of evidence could not be shaken by the defence at the time of cross-examination.
- 17). Learned counsel for the accused has argued that the mother of the victim had enmity with the accused and hence she lodged false case against him. It is further contended that the victim had been tutored by her mother to depose against the accused. It is also submitted that the mother of the victim as well as other witnesses namely Smt. Arati Nayak [PW-4] and Sri Pobon Nayak [PW-5] were reported witnesses.
- **18).** The accused during his statement under Section 313 Cr.P.C. had taken the plea that he had been falsely implicated by the informant for the crime which he has not committed. However, defence side nowhere took the plea that the victim was tutored by her mother to depose falsely against him.
- 19). It is an admitted fact that the investigating officer of the instant case has not seized any birth certificate or school certificate of the victim from her parents to prove that the victim is a child/minor less than 18 [eighteen] years as on the date of commission of offence. In the case of *Jarnail Singh –versus-State of Haryana, Criminal Appeal No. 1209/2010 decided on*

01/07/2013, the Hon'ble Apex Court held that Rule 12 of Juvenile Justice [Care and Protection of Children] Rules, 2007 would be applicable while determining age even for child, who is **victim** of the crime. The said rule is as follows:

- "12. Procedure to be followed in determination of age.
- i.
- ii.
- iii. In every case concerning a child or juvenile in conflict with law, the age of determination inquiry shall be conducted by the court or the Board or, as the case may be, the Committee by seeking evidence by obtaining
 - a) [i] the date of birth certificate from the school [other than a play school] first attended; and in the absence whereof;
 - [ii] the birth certificate given by a Corporation or a Municipal Authority or a Panchayat;
 - [iii] the Matriculation or equivalent certificates, if available;

And only in the absence of either [i], [ii] or [iii] of clause [a] above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact assessment of the age cannot be done, the Court or Board or, as the case may be, the Committee, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year and, while passing orders in such case shall, after taking into consideration such evidence as may be juvenile, or the medical opinion, as the case may be, record a finding in respect of his/her age and either of the evidence specified in any of the clauses [a] [i], [iii], [iiii] or in the absence whereof, clause [b] shall be conclusive proof of the age as regards such child or the juvenile in conflict with law.

20). In the present case, since document as prescribed under rule 12 (3) (a) are not available, the prosecution has relied upon Exhibit-1, the report of doctor Md. Sahabuddin Ahmed [PW-6], according to which, the age of the victim is 4 $\frac{1}{2}$ years. There is nothing placed on record to create a doubt about the bone/medical age of the victim child as determined by the Medical Officer. From the cross-examination of the doctor it is no where seen that the opinion

regarding age of the victim was not a conclusive report. So, as per Section 2 (d) of The Protection of Children From Sexual offences Act, 2012, the victim is below 18 [eighteen] years of age at the time of incident.

21). It is a well settled law that the conviction on the sole evidence of a child witness is permissible, if such witness is found competent to testify and the court, after careful scrutiny of its evidence.

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

- 22). 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".
- **23).** The ratio as laid down in the above case is that the testimony of a child witness is attributed the same kind of credibility that it attached to the statement of any other witness if the testimony is consistent. In the present case, the victim has been consistent on the material particulars with regard to

the incident. Further, there is full corroboration by her mother, i.e., PW-3 and independent witnesses namely [PW-4 & PW-5].

- **24).** On scrutinizing the evidence on record it is seen that no case has been made out against accused Ram Bhuyan to warrant his conviction under Section 376 [2] [f] IPC beyond all reasonable doubt, for which, I am of the opinion that the accused is entitled to acquittal under benefit of doubt which I accordingly do.
- 25). Though it was argued on behalf of the accused that he has been falsely implicated in the instant case by the mother of the victim due to land dispute and the victim had been tutored by her to depose falsely against him, but the accused has failed to discharge the onus of proving that he has been falsely implicated in the case due to enmity or any other reason. The mother of the victim, i.e., PW-3 has categorically deposed in cross-examination that she has no previous enmity with the accused to falsely implicate him in the instant case. In the light of the evidence of the victim [PW-2] as well as her mother [PW-3], this court can presume under Section 29 of The Prevention of Children From Sexual Offences Act, 2012 that it was the accused, who had committed sexual assault upon the victim and sexual intent required as per Section 7 of POCSO Act, 2012 can also be presumed in the light of Section 30 of the Act. It was for the accused to rebut that neither he had any sexual intent nor he had committed the offence by proving to the contrary. No evidence was led by the accused in his defence to prove his innocence. On the contrary, the defence put forwarded by the accused in this case is not consistent and therefore, same is required to be disbelieved.
- **26).** The accused was charged under Section 4 of The Protection of Children From Sexual Offences Act, 2012. However, from the evidence tendered by the victim [PW-1] it can be safely presumed that the offence committed by the accused falls under Section 7 of the Act which reads as follows:
- **7. Sexual assault** Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual

intent which involves physical contact without penetration is said to commit sexual assault.

- **27).** The punishment for sexual assault is laid down under Section 8 of The Protection of Children From Sexual Offences Act, 2012 which states as follows:
- **8. Punishment for sexual assault** Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.
- **28).** In view of my aforesaid discussions in the foregoing paragraphs, I am of the opinion that prosecution has proved the case against accused Ram Bhuyan under Section 7 of the POCSO Act, 2012 and he is liable to be punished as per provision of Section 8 of the Act. Hence, the accused is convicted under Section 7 of The Protection of Children From Sexual Offences Act, 2012.
- **29).** Accused Sri Ram Bhuyan is heard on the point of sentence. The accused has submitted that he has his wife and children and there is none to look after them in his absence. Hence, the accused prayed for leniency.
- **30).** I have heard Smt. Chinu Devi, learned State Defence Counsel for the accused as well as Sri Mukti Ranjan Barooah, learned Special Public Prosecutor, Jorhat.

Considering all aspect, accused **Sri Ram Bhuyan** is sentenced to undergo **SIMPLE IMPRISONMENT** FOR **3 [three]** years and also to pay a fine of **Rs. 2,000/- [Rupees Two Thousand]**, in-default of payment of fine, to suffer **SIMPLE IMPRISONMENT** for **1 [one]** month more. I am of considered opinion that considering the nature of offence, this sentence shall do justice.

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

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

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

- The concept of welfare and well being of children is basic for any civilized society and this has a direct bearing on the state of health and well being of the entire community, its growth and development. It has been time and again emphasized in various legislations, international declarations as well as the judicial pronouncements that the Children are a "supremely important national asset" and the future well being of the nation depends on how its children grow and develop. Therefore, in order to provide restorative and compensatory justice to the victim, I hereby direct the learned **Secretary**, **District Legal Services Authority**, **Jorhat**, to grant adequate compensation to the victim. The said amount shall be used by the parents of the victim for her welfare and education.
- **33).** Free copy of the judgment be furnished to the accused immediately. Another copy of this order be sent to the District Magistrate, Jorhat, as per provision of Section 365 Cr.P.C.

Let a copy of this judgment be sent to the learned Secretary, D.L.S.A., Jorhat, for information and necessary action.

34). Given under my hand and seal of this Court on this **26th** day of **July 2016**.

Special Judge, Jorhat

ANNEXURES:-

PROSECUTION WITNESSES:-

PW-1	Sri Jiten Nayak, employee of Naginijan T.E.
PW-2	Victim girl.
PW-3	Smt. Sharmila Nayak, informant as well as mother of the victim.
PW-4	Smt. Arati Nayak, neighbour of informant.
PW-5	Sri Pobon Nayak, neighbour.
PW-6	Md. Sahabuddin Ahmed, Medical Officer.
PW-7	Sri Udhab Chandra Patowary, I.O. of the case.

COURT WITNESS:- NIL

EXHIBITS FOR THE PROSECUTION:-

Exhibit-1	Medical Report
Exhibit-2	Ejahar
Exhibit-3	Sketch Map of the place of occurrence with index.

DEFENCE WITNESSES:- NONE

Special Judge, Jorhat.

Typed & transcribed by:

Sri Mrinal Jyoti Bora, (Stenographer Grade-I)