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

District: Kamrup, Amingaon

Present: Smti. B. Kshetry

,

Kamrup, Amingaon

Special Judge,

Special Sessions (POCSO) case No.13/2017

U/S- 6 of the POCSO Act, 2012

State of Assam

-Versus-

Sri Prasanna Thakuria

s/o-Sri Uttam Thakuria

Resident of vill -Deosar Nowapara

P.S.-Boko

Dist- Kamrup

-----Accused

Appearance:

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

-----for the State

Md. Jeherul Islam, Advocate

-----for the

accused

Date of evidence: 09.08.2018, 21.08.2018, 09.08.2018, 31.10.2018, 14.12.2018, 13.02.2019 and 01.07.2019

Date of Argument: 01.08.2019, 14.08.2019 and 22.08.2019

Date of Judgment: 05.09.2019

JUDGMENT

- 1. The Prosecution case in brief is that—the informant Sri Kandarpa Kumar Kalita lodged an ejahar alleging that on 17.04.2017, the accused Prasanna Thakuria forcibly raped his minor daughter aged 9 years by calling her to his house. Hence, this case.
- 2. On the basis of the said ejahar, Boko P.S Case No. 177/2017 U/S-4/6 of the POCSO Act, 2012 was registered. Investigation was conducted into the case and after completion of investigation, charge-sheet was submitted against the accused person U/S- 4/6 of the POCSO Act, 2012.
- 3. The case was duly committed and the Court after hearing both the parties, framed charge U/S- 6 of the POCSO Act, 2012 against accused—Prasanna Thakuria. 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 eight (8) numbers of witnesses including the informant, the victim girl, I/O and M.O. Statement of the accused person U/S-313 Cr. P.C is recorded. He has denied committing the offence and declined to adduce evidence.

5. **POINT FOR DETERMINATION:**

(I) Whether the accused person on 17.04.2017 committed penetrative sexual assault on the child below 12 years of age and thereby committed penetrative sexual assault U/S-5 (m) of the POCSO Act, 2012 and, thereby, committed an offence of aggravated penetrative sexual assault, punishable U/S 6 of the POCSO Act, 2012?

DISCUSSION, DECISION AND REASONS THEREOF

6. In this instant case, the accused is charged U/S-6 of the POCSO Act for committing the offence of aggravated penetrative sexual assault U/S-5 (m) of POCSO Act on a child below 12 years. Section 6 of POCSO Act provides for the punishment for aggravated penetrative sexual assault and Section 5 of POCSO Act defines aggravated penetrative sexual assault.

Now, **Section 5 (m) of the POCSO Act** reads as—" whoever commits penetrative sexual assault on a child below twelve years"

Section 6 of the POCSO Act which deals with punishment for aggravated penetrative sexual assault reads as.—"Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine".

- 7. This is a case U/S-6 of the Protection of Children from Sexual Offences Act, 2012. So, the essence of charge is penetrative sexual assault upon the victim. Penetrative sexual assault is defined in Section 3 as follows:-.
 - **3. Penetrative sexual assault**—A person is said to commit "penetrative sexual assault" if—
 - (a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or
 - (b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or
 - (c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or

- any part of the body of the child or makes the child to do so with him or any other person; or
- (d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.
- 8. Let us go through the evidences on record to find out how far the prosecution has succeeded to prove the case against the accused.
- 9. P.W.1, is the prosecutrix. She deposed that the incident took place in the year 2017at 10.30 a.m at Boko Nowpara. She was reading in class III at that time. P.W.1 stated that on that day, she had gone to her Aunt's place (Jethi) with her father. Her Aunt's name is Damayanti Kalita. At the relevant time she was playing in the courtyard while her father was busy with some works. Then, the accused called her by waving his hand. Pw-1 went near him and he took her to his house by holding her hand and he closed the door of his house. Nobody else were present in his house. His house is located after leaving one house. Pw-1 further stated that the accused opened her panty and touched her breasts . She alleged that the accused inserted his susu(penis) in her susu (vagina). Pw-1 shouted as the accused inserted his penis in her vagina and it was paining. But nobody heard her shouts. Then, the accused offered her Rs. 50/- and told her not to tell anybody. Pw-1 took the money and ran out of the house by telling him that he felt like urinating. She then met her father but did not tell him the incident as the accused threatened her. After two days of the incident , they returned back to Guwahati. Her mother was in the rented house at Guwahati. On the next day, when her mother enquired as to why she was sad, then she narrated the incident to her mother. Her father lodged the ejahar. Police took her to the doctor and got her statement recorded before the court. Ext -1 is the statement recorded by the Court and Exts- 1(1 to 3) are her signatures.

In her cross-examination, pw-1 stated that her statement was recorded by a male police. She was not tutored while giving her statement before the court. She denied the suggestion given by the defence side that the accused did not commit any sexual intercourse with her.

10. P.W.2, Sri Kandarpa Kalita is the informant and the father of the prosecutrix. He stated that the incident took place on 17.4.2017 at 10.30 am. Prosecutrix was 8 years 4 months. On that day , he had gone to his sister's place at Nowpara, Boko alongwith the prosecutrix (pw-1). Pw-2 stated that he had come to his native place before the date of occurrence. At the time of occurrence, pw-2 was busy looking after some construction works while the prosecutrix was playing in the compound alone. This witness stated that for about 45 minutes, he did not find the prosecutrix playing. On her return, P.W.1 did not tell him anything but she refused to take lunch. Thereafter, they returned back to the rented house on 21.4.17. Pw-2 stated that on the next day, his wife on finding the prosecutrix sad and refusing to take any food, asked her the matter. Then, P.W.1 told her the entire incident. Pw-1 disclosed that his wife told him that on 17.4.17 at 10.30 a.m, accused called their daughter to his house and he held her hand and took her to his house, then accused touched her breast and he put his susu (penis) in her tika (vagina). Prosecutrix told the accused that she felt like urinating and came out of his house. On enquiring from the prosecutrix as to why she did not tell the incident to them before, prosecutrix told them the accused threatened to beat her if she disclosed the incident to anybody, so out of fear, she did not tell them. Thereafter, pw-2 lodged the ejahar. Ext-2 is the ejahar and Ext-2 (1) is his signature.

In his cross-examination, pw-2 denied the suggestion that the accused did not rape the prosecutrix and that she had gone to the house of the accused and touched the house-hold items for which the wife of the accused scolded her and that they gave a false case against the accused.

11. P.W.3, Smti Pompi Thakuria deposed that the accused is her brother-in-law. And the prosecutrix (pw-1) is her neighbour. She stated that the victim had come to the house of the accused and was playing with her minor son. They were all present in the house. At that time, the prosecutrix took away Rs 50/- from the house of the accused. On being caught , she was given two slaps by the wife of the accused. Then, she left their house crying. After one week of the incident, the ejahar was lodged.

In her cross-examination, P.W.3 has stated that the prosecutrix was mentally little retarded and not at all intelligent to explain the happenings.

- 12. Pw-4 Sri Krishna Ram Kalita did not know anything about the incident. PW-5 Smti Narmada Kalita heard from the police about the rape case given on the accused. In her cross-examination, pw-5 stated that the accused stays in a joint family with his brothers.
- 13. Pw-6 Sri Ranjit Medhi knew nothing about the incident.
- 14. P.W.7, is the M/O, Dr. Rechma Talukdar. She has deposed in her evidence that on 24.04.2017 she was working as a Medical Officer, Department of Forensic Medicine at GMCH. On that day, she examined one Miss Sadhana Kalita, female, 9 years of age brought in reference Boko P.S case No. 177/17 U/S-4/6 of the POCSO Act, 2012. She was accompanied and identified by WHG, Bina Rani Sinha. The victim's mother stated before her that one Prasanna Thakuria had sexually intercourse with the victim.
- 15. On the physical examination of the victim P.W.7 found---

Her height—134 cm, weight—33 kg, chest girth—69 cm, abdominal girth—69 cm, total 24 teeth were present and all were permanent. Scalp hair-32 cm straight, light brown in color. Axillary hair, pubic hair—Not erupted, her breast were child like, nipple developed, erected. Menarche—not yet attended.

On genital examination:-

Genital organs—well Developed,healthy,vulva—healthy, Hymen —intact, vagina—Healthy, Cervix—healthy, Uterus—Not palpable per abdomen, evidence of venereal disease —not detected clinically, vaginal swabs collected from — from around the cervix, injury on the body—Not detected at the time of examination, her mental condition at the time of examination—Normal, cooperation and behavior—Co-operative and average, gait—Normal.

Radiological investigations:-

- X-ray of wrist joint All the copal bones except the pisiform bone have appeared. The epiphyses of the distal end of ulna and radius have appeared but not found.
- 2. X-ray of elbow joint the ossification Centre of internal epicondyle, and captellum have appeared but not found. The epiphyses of head of radius has appeared but not found.

Laboratory investigation:-

Microscopic examination of vaginal smears shows negative for spermatozoa.

<u>Opinion:</u> On the basis of physical examination, radiological and laboratory investigations done, P.W.7 opined that:-

- 1. Her present age is above 8 (eight) years and below 10 (ten) years of age.
- 2. There is no evidence of recent sexual intercourse detected on her person.
- 3. USG lower abdomen reveals normal. She is not pregnant.
- 4. No injury detected on her person.

Ultra sound was also conducted on the victim if she was pregnant or not. On examination-- No mass lesion noted in the adrexa. No intra abdominal free fluid or adenopathy noted. Ext.3 is the medical report. Ext. 3 (1 to 5) are my signatures.

In her cross-examination P.W.7 has deposed that as the victim was below 12 years, so her statement was not recorded. But she did not mention the reason in her report. P.W.7 did not find any external or internal injury on the victim. She had given the opinion that the victim is not pregnant.

16. P.W.8, S/I, Sri Golap Gohoi, is the I/O of this case, who has investigated the case. In his deposition, he has stated that on 28.04.2017, he was working as Attached Officer in Boko P.S. On that day O/C, Boko P.S directed him to investigate the case bearing Boko P.S Case No. 177/2017 U/S-4/6 of the POCSO Act, 2012. The informant—Kandarpa Kalita lodged the ejahar in Boko P.S and O/C, Boko P.S registered a case. After receiving the ejahar on 24.04.2017, the preliminary investigation of the case was entrusted to S/I, Bakul Chetia. He had sent the victim for medical examination to GMCH and produced the victim before the Magistrate for recording her statement U/S-164 Cr. P.C. Thereafter, P.W.8 was entrusted to investigate the case on 28.04.2017 at 11.00 p.m. And accordingly on the next day, P.W.8 recorded the statement of the informant and the victim in the police station. Then, P.W.8 visited the place of occurrence and recorded the statement of the other witnesses. P.W.8 also prepared the sketch map. Accused—Prasanna Thakuria was not found on search for about 3 months. Thereafter, on 14.07.2017 the family members produced the accused in Boko Police station. P.W.8 arrested the accused and produced him before the Court. P.W.8 collected the medical report of the victim. Thereafter, P.W.8 completed the investigation and after finding sufficient materials against the accused, P.W.8 submitted charge sheet against the accused—Prasanna Thakuria U/S-4/6 of the 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, P.W.8 deposed that P.W.1 did not state before him that she had gone her Aunt's place—Damayanti Kalita with her father on the date of occurrence and that her father was busy with some works. She also did not tell him that the accused took her to his house by catching her hand and that accused Prasanna closed the door of his house and that the accused opened her panty. P.W.1 also did not state before him that she shouted as the accused inserted his penis into her vagina and it was paining. P.W.2 did not state before him that the victim was playing for about 45 minutes in his courtyard and that his wife told him that on 17.04.2017 at 10.30 a.m, the accused called her daughter to his house and he held her hands and took her there, then the accused touched her breasts and put his susu (penis) in her tika (vagina). P.W.3 did not tell him that the victim was 9 years old at the time of occurrence and that the accused did not do any bad act with the victim.

- 17. Defence plea is of total denial. Accused in his statement U/S-313 Cr. P.C submitted that he has been falsely implicated in this case. But he denied to give evidence in support of his defence.
- 18. Perused the evidences on record. Heard the arguments of the Learned Counsels for both sides. Learned Counsel for the accused submitted that the accused has been falsely implicated in the case and the evidence of the prosecutrix is very much contradictory. He further submitted that the statement of the victim/prosecutrix cannot be relied upon because she has not made such statement to the I/O U/S-161 Cr. P.C what she stated in the court. He also argued that no incident as alleged had taken place and there has been considerable delay in lodging the ejahar. He further pointed out that there is no any independent witness produced by the prosecution to prove the alleged offence. Learned Counsel for the accused relied upon the case-laws reported in (1) 2017 SAR (Criminal) 661, (2) 2017 (1) GLT 665. I have thoroughly perused the case-laws cited by the learned Counsel for the accused.

- 19. On the other hand, learned Additional Public Prosecutor argued that there is consistency in the testimony of the prosecutrix (P.W.1) made before the court and in the statement before the Magistrate U/S-164 Cr. P.C. The prosecutrix in her statement U/S-164 Cr. P.C has fully corroborated the statement made before the court in course of trial. He further submitted that there is no enmity between the accused and the informant to file a false case and that the prosecution has been able to prove the case beyond all shadow of doubt and the accused is liable to be convicted.
- 20. In this case, the prosecutrix has stated her age to be 9 years in her statement recorded by the Magistrate u/s 164 Cr. P.C as well as in her evidence before the court. Reliance can be placed on the report of the Medical Officer (Pw-7), according to which, the age of the prosecutrix is above 8 (eight) years and below 10 (ten) years. The oral testimony as regards the age of the prosecutrix stands corroborated by medical evidence. As per Section 2 (d) of the POCSO Act, the prosecutrix is found to be below 18 years of age at the time of the incident. So, the prosecutrix is a 'child' under the POCSO Act.
- 21. After going through the evidences of the witnesses, it is seen that except the victim (prosecutrix), there is no any eye witness to the incident. Her evidence is fully corroborated by her father (informant).
- 22. It is well settled that conviction on the sole evidence of a child witness is permissible, if such witness is found competent to testify and court after careful scrutiny of its evidence finds the witness to be reliable and trustworthy. The main evidence in all such cases of penetrative sexual assault, is that, of the victim herself. Pw-7 (M.O) on examining Pw-1 (prosecutrix) confirmed that no abnormality detected.
- 23. Learned counsel of the accused submitted that though the prosecutrix vividly described the whole incident of committing penetrative sexual intercourse in the court but in her statement before the I/O, she did not state so. Therefore, there is clear contradiction in the statement made by the victim U/S-161 Cr. P.C and statement before the court. No doubt, the

prosecutrix in her statement U/S-164 Cr. P.C, clearly stated what she stated in the court.

- 24. A close scrutiny of the evidences of the prosecution witnesses reveals that there are no any eye-witness other than the prosecutrix (P.W.1). So, we are to see whether on the solitary statement of the victim, the accused can be convicted in this case. The whole case centres round the testimony of the prosecutrix only.
- 25. As per Section 118 of Evidence Act, all persons shall be competent to testify unless the court considers that they are prevented from understanding the questions put to them or giving rational answers to those questions by tender years, extreme old age disease whether body or mind or any other cause of the same kind.
- 26. The law is also well settled that the main evidences in all such cases is that of the victim herself. It is not necessary that there should be independent corroboration of every material circumstances. There must be some additional evidence. Rendering it probable that the story of the victim is true and that it is safe to act upon it. Corroboration may be by facts and circumstances.
- 27. Now, the question is how far the evidence of the prosecutrix/victim in the instant case is reliable and convincible to convict the accused. According to the victim while she was playing in the courtyard the accused called her by waving his hand. Then, the accused took her to his house by holding her hand and he closed the door of his house. He then, opened her panty and touched her breasts. She alleged that the accused inserted his susu(penis) in her susu (vagina).
- 28. In this instant case, the victim stated before the court about the incident of penetrative sexual assault upon her by the accused and she made such statement U/S-161 Cr. P.C before the Investigating Officer also. Therefore, the statement made before the court by the victim cannot be stated to be

contradicting. She has also made the same allegation against the accused in her statement made before the Magistrate U/S-164 Cr. P.C. So, the statement of the prosecutrix before the court have corroborated with her statement U/S-161 Cr. P.C and Section 164 Cr. P.C. Another point raised by the leaned counsel for the accused is that the I/O failed to examine the mother of the prosecutrix, whom she narrated the incident. It is in the evidence of the prosecutrix that she told the incident to her mother, who narrated the same to the father (P.W.2). Non-examination of the mother is not fatal to the prosecution, when the sole evidence of the prosecutrix is found convincing and can be relied upon to convict the accused. The conduct of the prosecutrix is found natural, who reported the matter to her mother after the occurrence, after she returned to her home at Guwahati. Her father P.W.2 stated that he heard the incident from her mother. P.W.2 has fully corroborated the evidence of the prosecutrix. So, the parents are the hearsay witnesses.

29. As regards the delay in lodging the FIR, it is found that the incident took place on 17.04.2017 but the ejahar was lodged on 24.04.2017. The version of the prosecutrix is that she immediately did not tell about the incident to her father (P.W.3) as the accused threatened to beat her if she disclosed the incident to anyone. Only on her return to Guwahati after the incident, she narrated the incident to her mother, who told about it to her father (P.W.2). So, the delay in lodging the FIR, as has come out from the evidences on record and the same has been satisfactorily explained. In State of Punjab Vs Gurmit Sing, 1996 Crl. L. J, 1728 it is held by the Hon'ble Supreme Court that—"The courts cannot overlook the fact that in sexual offences, delay in lodging the FIR can be due to variety of reasons, particularly, reluctance of the prosecutrix or her family members to go to the police and complain about the incident which concerns the reputation of the prosecutrix and the honour of her family. It is only after giving a cool thought that a complaint of sexual offence is generally lodged. " It is also held that even if there is some delay in lodging the FIR in respect of the offence of rape, if it is properly explained and the explanation is natural in the facts and circumstance of the case, such delay would not matter.

- 30. We are all aware that such a matter of sexual assault is generally not disclosed to all in the society in the fear of shame and insecurity and social stigma to the child. It has come out from the evidence of P.W.2 that FIR was filed instantly after coming to know about the incident, so no doubt arises that the FIR is an afterthought.
- 31. Moreover, there is nothing to disbelieve the statement of the prosecutrix which is supported by other P.Ws. except P.W.3, who is the sister-in-law of the accused narrated a totally different story. Her evidence is in support of the accused. She cannot be relied upon. No defence evidence has been led by the accused to rebut the allegation of the prosecutrix.
- 32. Regarding the plea of animosity, taken by defence side, the same is nothing and no evidence has been adduced to prove the aforesaid plea in requisites manner. Statement of the accused U/S-313 Cr. P.C is mere denial. Previous enmity remained unproved. So, the defence plea of animosity is rejected.
- 33. This is a sexual offence, relating to a minor child aged 9 years. Nothing has emerged from the evidence on record so as to falsely implicate the accused neither on the part of the minor child nor on the part of the informant. The testimony of the prosecutrix remained consistent while giving statement U/S-161 Cr. P.C before I/O and U/S-164 Cr. P.C before Magistrate and even before the court at trial stage. The evidence of the prosecutrix does not suffer from any sort of material omission and contradiction. There is nothing to disbelieve her. Minor discrepancies does not shake the basic substratum of the prosecution story and same may be overlooked.
- 34. There cannot be any eye witness to the incident as it occurred inside the house of the accused and as such, evidence of family of the victim will be the best natural witness. The prosecutrix is a minor child aged about 9 years

and she has the level of understanding and has answered the questions put to her, so her evidence was recorded. She is not a tutored witness.

35. Let us refer to the provisions of Section 29 and 30 of the POCSO Act. U/S-29 of the POCSO Act, a mandatory presumption for certain offence is to be drawn against the accused in a prosecution for certain offences.

Section 29 of the POCSO Act provides that a Special Court shall presume that the accused had committed the offence of sexual assault unless contrary is proved. Evidence on record clearly pointed that accused committed penetrative sexual assault on the prosecutrix and the evidence of the prosecutrix is unimpeached and believable. She is a reliable witness.

- 36. Similarly 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.
- 37. In the present case, the accused has completely failed in discharging his burden adducing any defence evidence. From the above discussion, it is crystal clear that the accused committed the offence of penetrative sexual assault on the prosecutrix, who is a child below 12 years of

age, which falls U/S-5 (m) of POCSO Act. So, Section 6 of the POCSO Act is attracted in the case against the accsued.

- 38. In view of the above facts and circumstances of the case, it is held that the prosecution has succeeded in bringing home the charge u/s 6 POCSO Act against the accused Prasanna Thakuria beyond all reasonable doubt. Hence, the accused is held guilty of committing the offence under Section 6 of the POCSO Act and he is , hereby, convicted.
- 39. Keeping in view the serious nature of the offence, the Probation of Offenders Act is not applicable in this instant case, As, such, the accused is not entitled to get the benefit under the said Act.

40. **SENTENCE**

Heard the accused—Prasanna Thakuria on the point of sentence. The accused has submitted that he is innocent and he has a family to look after. He also stated that he has not committed the offence, that he has no earlier criminal antecedent and has pleaded for leniency in punishment. I have also heard the learned Counsel for the accused as well as the learned Additional Public Prosecutor. The minimum punishment prescribed under Section 6 of the POCSO Act is rigorous imprisonment for 10 (ten) years which cannot be modified or altered. So, the court has no option, but to impose minimum rigorous punishment of 10 (ten) years.

41. In this instant case, the victim girl has been subjected to such sexual conduct by the accused which is vulnerable to the society at large. A minor girl was sexually exploited and the provision of POCSO Act has provided severe punishment to a person, who indulge in such unacceptable sexual behaviour to minors. The statutory punishment cannot be reduced or altered.

- 42. Considering the serious nature of the offence, facts and circumstances of the case, the mental agony suffered by the child victim in view of the penetrative sexual assault committed on her, her status and future life in the society and also keeping in view the fact that the age of the accused, who is 49 years old, the accused does not deserve any leniency in punishment. Moreover, it is seen that the penal provisions of the POCSO Act is stringent in nature, which shall have to be imposed in case a person is found guilty.
- 43. Having regard to the entire aspect of the case and that the serious nature of the offence, the accused-Prasanna Thakuria is sentenced to undergo rigorous imprisonment for 10 (ten) years and also to pay a fine of Rs. 10,000/- (Rupees ten thousand) only, in default of fine, to suffer further rigorous imprisonment for 10(ten) months under Section 6 of the POCSO Act, 2012.
- 44. The period of detention already undergone by the accused shall be set-off from the period of imprisonment imposed on him.
- A5. Now , coming to the aspect of compensation to the victim , it is found that in this instant case, the victim is a minor child and she is entitled to get the compensation. The victim has suffered tremendous mental agony and harm as a result of the act committed upon her. The Learned Secretary, District Legal Services Authority, Kamrup, Amingaon is, hereby, directed to assess and grant adequate compensation to the victim. The said compensation amount shall be used by the parents of the victim to meet her needs and welfare.

46. Issue Jail Warrant.

- 47. Let a free copy of the judgment be furnished to the accused person.
- 48. Send a copy of this judgment to the Learned Secretary, District Legal Services Authority, Kamrup, Amingaon for determination of the quantum of compensation under Victim compensation scheme as provided under section 357 A Cr. P.C.

- 49. Send a copy of the judgment to the Learned District Magistrate, Kamrup, Amingaon under the provision of Section 365 Crpc.
- 50. Judgment is pronounced and delivered in open court under the hand and seal of this court on this 05th day of September, 2019.

Special Judge, Kamrup, Amingaon

Dictated and corrected by me

Special Judge, Kamrup, Amingaon

APPENDIX

Prosecution Witness:

P.W.1, is the prosecutrix

P.W.2, Sri Kandarpa Kalita

P.W.3, Smti Pompi Thakuria

Pw-4 Sri Krishna Ram Kalita

PW-5 Smti Narmada Kalita

Pw-6 Sri Ranjit Medhi

P.W.7, is the M/O, Dr. Rechma Talukdar

P.W.8, S/I, Sri Golap Gohoi

Prosecution Exhibit

Ext.1 is the statement of the prosecutrix recorded 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