IN THE COURT OF THE SPECIAL JUDGE, UDALGURI, ASSAM

SPI. (POCSO) Case No.8/2016 (U/S :8 of POCSO Act)

State Versus Jitul Saikia S/O Sri Harendra Saikia Vill- No.4 Rajagarh, PS-Dimakuchi, Dist-Udalguri.

PRESENT: Sri P.Saikia,A.J.S., Special Judge, Udalguri.

APPERANCE:

For the Prosecution: Sri P. Baskey, P.P., Udalguri

AND

For the accused: Sri. T.C. Boro, Advocate.

Evidence recorded on: 8.9.16, 1.11.16, 24.1.17, 11.7.17,

9.8.17, 15.12.17, 22.4.18.

Argument heard on: 21.8.2018. Judgment delivered on: 29.8.2018.

JUDGMENT

The prosecution case as unfolded during the trial, in brief, is that the prosecutrix (real name is withheld, henceforth referred as the prosecutrix) set the clear law in motion by lodging an FIR on 18.4.15 with the Officer-In-Charge, Dimakuchi PS stating, inter-alia, that on 16.4.15 there was a Bihu function at No.4 Rajagarh. Prosecutrix was also enjoying the Bihu function. At about 7 PM accused Jitul Saikia, who was also present at the Bihu function taken her to his house by inducing her and thereafter, tried to disrobe her. At this she raised scream. The local people came to the spot. Seeing the local people the accused took to his heels.

- 2. Pursuant to the FIR the Officer In-charge, Dimakuchi Police Station registered a case vide Dimakuchi P.S. case No.24/15 U/S 376/511 IPC R/W Section 8 of the POCSO Act and entrusted the case for investigation to S.I. Khagendra Saikia. In course of investigation I.O. visited the place of occurrence, recorded the statement of witnesses and also prepared a hand sketch map of the place of occurrence, attested the accused and taken him to custody. The I.O. also got the statement of the victim recorded U/S 164 Cr.P.C. and sent her to medical examination and obtained her medical examination report. On completion of the investigation the I.O. laid a report U/S 173 Cr.P.C. for the offence U/S 8 of POCSO Act appears to have been committed by the accused.
- 3. On receipt of the charge sheet this Special (POCSO) case No. 8/2016 was registered and cognizance thereof was also taken whereupon court process was issued on the accused to secure his presence to face trial in the case. Accordingly accused entered his appearance. Thereafter, copy of the relevant documents supplied U/S 173 Cr.P.C. to the accused.
- 4. On assessment of the entire materials of the case record alongwith copies of documents and having heard learned counsel of both sides my learned predecessor in office pleased to frame the charge U/S 8 of POCSO Act against the accused Jitul Saikia and the same on being read over and explained to him to which the accused pleaded not guilty and claimed to stand trial.
- 5. At the trial the prosecution has examined in all 13 witnesses including the prosecutrix, M.O and I.O. of the case. The prosecution also tendered some documents marked as exhibit in support of its case.
- 6. The defence of the accused is of complete denial. His case as it could be ascertained from his examination U/S 313 Cr.P.C. as well as from the trends of the cross-examination of the prosecution witnesses is that he has been falsely implicated in this case out of grudge. However, no evidence has been adduced in support of his defence.

- 7. In the light of the factual score of the case, the point for determination in the present case is set up and framed as:
- (i)Whether the accused on or about 16.4.15 at about 7 PM at village No.4 Rajagarh under Dimakuchi PS committed sexual assault upon the prosecutrix, aged about 14 years as alleged U/S 8 of POCSO Act?
- 8. I have heard argument tendered by the learned counsel of both the sides and also assailed the evidence on record in its entirety.

DISCUSSION, DECISION AND REASONS THEREOF:

- 9. PW1 is Bhadra Kanta Kalita. His evidence displays that accused is his co-villager. He also knows prosecutrix. The occurrence took place around 1 1/2 years ago in the month of 'Bohag' at about 9 pm. At the material time on the day of occurrence Bihu function was going on in their village. He was also present there. At that time Shri Chandan Deka of their village told him that accused had taken away a girl and asked him to enquire about the matter. He alongwith Praneswar Kalita went to the house of the accused. They saw accused alone in the Varanda of their kitchen. Then they came out from the house premises of the accused. While coming out therefrom some boys told them that girl was there inside the house premises of the accused. Then they returned back to trace out the girl. They found the accused alongwith the girl in the house premises of the accused. Praneswar Kalita apprehended the accused and they identified the girl to be the prosecutrix. Praneswar then gave 2/3 slaps on the accused while the prosecutrix was handed over to her mother. Somehow accused escaped.
- 10. In cross-examination he has stated that his wife and the mother of the prosecutrix are sisters. House of accused is situated at the distance of about 300 meters from the place where Bihu function was being held. In between the above 300 meters house of Kamiram Kalita, Jadav Kalita and

Kesab Deka were situated. House of Damodar Kalita is situated to the adjacent southern side of the accused. In the Bihu function accused was a traditional drum beater ('Dhulia'). He has denied the defence suggestion that they did not see the accused alongwith the prosecutrix. He has further denied that he has deposed falsely.

- 11. PW2 Narapati Kalita has stated in his evidence that the prosecutrix is his niece. The accused is also known to him. On the day of occurrence he was at his original native village at Duni under Sipajhar Police Station. After one day of the occurrence he came to the house of the prosecutrix. As told by the prosecutrix he prepared an FIR as per her version. After scribing down the FIR he put his signature therein as a writer thereof. He has proved and marked the FIR as Ext.1 and Ext.1(1) is his signature.
- 12. In cross-examination he has disclosed cause of delay in Cause of delay in filing the FIR is not furnished. It is also not mentioned in the FIR that the content of the FIR was read over to the prosecutrix.
- 13. PW3 Bishnu Kumar has stated that both the accused and the prosecutrix are known to him. The occurrence took place around 1 ½ years ago in the month of 'Bohag' at about 9 PM while 'Bihu' function was gong on in our village where he was present. Then he came to know from some persons that the accused had taken away the prosecutrix. He also came to know that the family members of the prosecutrix rescued her from the house of the accused.
- 14. In cross-examination he has stated that he did not see the occurrence and the accused also attended the 'Bihu' function.
- 15. PW4 is Praneswar Kalita. According to his evidence the occurrence took place around 1 $\frac{1}{2}$ years ago. He knows both the accused and the prosecutrix. On the day of occurrence while 'Bihu' function was being held at their village at about 7.30 PM he heard shouting in the house of the accused. Some people

told him that the accused and the prosecutrix came towards the house of the accused. He met Bhadra Kanta Kalita there at that time. He alongwith Bhadra Kanta Kalita proceeded towards the house of the accused and saw the accused and the prosecutrix by the focus of mobile phone torch proceeding towards East side of the house of the accused. At that time family members of the prosecutrix and also the family members of the accused came there and they took them to their respective houses.

- 16. In cross-examination he has stated that he saw the prosecutrix proceeding comfortably.
- 17. PW5 Nagen Deka is a reported witness. It is his evidence that the occurrence took place on 16.4.15 and on the next day he came to know that accused Jitul took away of the prosecutrix.
- 18. PW6 is Ghanashyam Deka. He is also a reported witness. According to his evidence, the occurrence took place two years ago in the evening when Bihu function was going on. On the day of occurrence he was at Bihu function and in the evening they went to "Tulsi House" (Elephant driving house).
- 19. His cross-examination reveals that he does not know why the people gathered on the road.
- 20. PW7 is Jayanta Deka. His evidence reveals that both the victim and the accused are known to him and the occurrence took place in the year 2015. On the day of occurrence Bihu function was being held. They had programme in the Bihu function. When they came out from the function to attend next programme they heard hue and cry. But they went for their next programme.
- 21. In cross-examination he has stated that the accused was in their Bihu group.

- 22. PW8, Smti. Senehi Kalita is the mother of the prosecutrix. She has stated to the effect that the occurrence took place on 16.4.16 at about 7 PM. On the day of occurrence her daughter (Prosecutrix) was with her sister Jupitara Kalita in the Bihu function. After taking "Gagana" (musical instrument made of bamboo) from them they went to Bihu function. From the function the accused forcibly took the victim to his house and tried to commit rape upon her. When one Bhadra Kalita informed her about the incident they rushed to the house of the accused. Then they brought her daughter. On being asked her daughter (prosecutrix) said that the accused tried to commit rape.
- 23. In cross-examination she has revealed that there were many people in the Bihu function. Accused was "Dhulia" (drum beater). The house of the accused is situated in front of "Bihu Tali" (the venue where Bihu function was held). She did not see where her daughter (prosecutrix) was taken by the accused, she has denied the defence suggestion that accused did not bring her daughter (prosecutrix) and did not try to commit rape. She has also denied the defence suggestion that she did not see anything. She has further denied the suggestion that she did not state before the police that the accused forcibly taken her daughter.
- 24. PW9 is Smti. Jyoti Moni Kalita. It is stated by her that prosecutrix is her niece. On 16.4.16 the occurrence took place. On the day of occurrence she alongwith the mother of the prosecutrix (PW10) were enjoying Bihu function alongwith the prosecutrix and her daughter. Then one Bhadra Kalita informed then that prosecutrix was taken by accused forcibly to his house. They rushed to the house of the accused and brought the prosecutrix. They saw the accused and the prosecutrix at the house of the accused. On being asked the prosecutrix said that the accused tried to commit rape.
- 25. In cross-examination she has stated that many people gathered at the place of occurrence. The people who attended Bihu function came in front of the house of the accused. During Bihu they diligently go to the house of others. Prior to the incident they have visited the house of the accused. she

does not know what happened before gathering of the people in front of the house of the accused. She did not hear hue and cry. She has denied the suggestion that accused did not take prosecutrix and she has forcibly implicated the accused.

- 26. PW10 is the prosecutrix of the case. Her evidence demonstrates that the incident took place on 16.4.15. At that time she was a student of class IX. On that day there was Bihu function in their village. In the Bihu function her sister participated in Bihu dance. To bring "Gagana" (a musical instrument made of bamboo) she went near her mother and when she was bringing "Gagana" the accused forcibly took her to his house. None was present in his house. He touched her breast and when he tried to undress her she raised alarm. Then one Praneswar and Bhadra Kalita came and they brought them to the road. At that time her mother reached at the place of occurrence. Later she came home with her parents. She lodged the FIR in connection with this incident which is proved marked as Ext.1. Ext.1(2) is her signature. Her statement was also recorded before the Magistrate. Ext.2 is her statement. Ext.2(1) and 2(2) are her signatures.
- 27. In cross-examination she has divulged that she lodged the ejahar after 2 days of the incident without explaining any reason of dealy of 2 days in lodging the FIR. The house of accused is situated adjacent to Bihu function. There are many houses in the vicinity of the house of the accused. There is also a road infront of the house of accused and the people who came to Bihu function were passing through the road. In the venue of the Bihu her mother, aunt, uncle and her sister were present. Bihu pendle was full of people. Her mother was sitting in the middle of the pendle. When the accused forcibly took her to his house she did not raise alarm. When the accused dragged her to his house then also she did not raise hue and cry. After one month she was produced before the Magistrate to get her statement recorded. On the day of incident the accused participated in the Bihu function as a "Dhulia" (drum beater). She has denied the suggestion that the accused did not take her

forcibly and her family falsely implicated the accused. She has also denied the suggestion that the accused did not touch her breast and tried to undress her.

- 28. PW11 Soneswar Kalita is the father of the prosecutrix. He has testified to the effect that the incident took place on 16.4.15 when Bihu function was held at their village He was not present when the incident had occurred as he was busy in selling tea. On his way home Bhadra Kanta Kalita of their village informed him over phone that his daughter was taken by the accused. Immediately he reached and saw that his daughter and accused were standing on the road. Both were brought from the house of the accused. On being asked his daughter told him that she was taken forcibly by the accused to his house, tried to undress her and touched her body. He brought his daughter to his home. A meeting was held in the village but no response was received from the villagers and as such, his daughter (prosecutrix) lodged the FIR in this case.
- 29. In cross-examination he has stated that he did not see wherefrom his daughter was brought. He has denied the suggestion that his daughter lodged the FIR forcibly on grudge; that the accused did not do anything and that the accused did not take his daughter.
- 30. PW12 Khagendra Hazarika is the I.O. of this case. His as usual evidence discloses that on 18.4.15 he was posted at Dimakuchi PS as Second Officer. On that day prosecutrix lodged an FIR at Dimakuchi PS. On the basis of the FIR the then O/C, Tridip Thakuria registered a case and entrusted him to investigate the case. During investigation he recorded the statement of the prosecutrix and her father at the police station. On the next day he visited the place of occurrence and sent the prosecutrix for medical examination to Tangla hospital. He recorded the statement of remaining witnesses. He prepared sketch map. He has proved and marked the sketch map as Ext.3 wherein Ext.3(1) is his signature. Ext.4 is the Extract copy of GDE No.390 dated 18.4.15. He also produced the victim to get her statement recorded U/S 164 Cr.P.C. In the midst of

the investigation he was transferred and as such he handed over the case diary to the O/C of Dimakuchi PS.

- 31. In cross-examination he has stated that the occurrence took place on 16.4.15 but FIR was lodged on 18.4.15 at 6.30 PM. The informant has not mentioned the reason for delay on lodging FIR. Though he got the victim examined by the doctor but he did not take step to ascertain her age. He got the statement of the victim recorded U/S 164 Cr.P.C. on 22.4.15. He has not mentioned the reason for delay in examination of the victim U/S 164 Cr.P.C. nor thus he had submitted the original birth certificate of the prosecutrix.
- 32. PW13 Sailendra Nath Barman is the other I.O. of the case, who submitted charge-sheet in the case. In that regard he has stated that on 8.10.15 he received the case diary in connection with this case. On perusal of the case diary he found that the investigation of the case had already been completed. Having found material U/S 8 of the POCSO Act he filed charge-sheet against the accused. He has proved and marked the charge-sheet as Ext.5 wherein Ext.5(1) is his signature.
- 33. Before proceeding to scan the evidence on record minutely, it is worthwhile to reiterate that the accused stands charged of sexual assault on the prosecutrix after taking her forcibly to his house. In order to bring home the alleged charge levelled against the accused, the testimony of PW1, PW2, PW3, PW4, PW7, PW8, PW9 and the prosecutrix (PW10) appears to be relevant in the facts and circumstances of the case.
- 34. Reverting to the testimony of PW1 so far as alleged incident is concerned it transpires from her deposition that the occurrence took place at about 9 PM on the day of occurrence while Bihu function was going on in their village where he was also present. At that time co-villager Chandan Deka told him that accused had taken away a girl and asked him to enquire about the incident. Then he alongwith Praneswar Kalita went to the house of the accused and saw accused alone in the Varanda of their kitchen. While coming out

therefrom some boys told them that girl was there inside the house premises of the accused. Again they returned back to trace out the girl and found the accused alongwith the girl in the house premises of the accused. Praneswar Kalita apprehended the accused and identified the girl to be the prosecutrix. Thereafter, the prosecutrix was handed over to her mother. The accused somehow fled away.

- 35. It is his evidence in the cross-examination that the house of accused is situated at the distance of about 300 meters from the place where Bihu function was being held and his wife and the mother of the prosecutrix and her sister were present. It is also revealed that the accused took part in the Bihu function as a traditional drum beater ('Dhulia'). So far as the testimony of the PW1 as regards finding of the prosecutrix (PW10) eventually inside the house premises of the accused is quiet discrepant and inconsistent with the testimony of PW4 Praneswar kalita with whom he had gone to the house of the accused. In contradiction to the testimony of PW1 it has been divulged by the PW4 that he met PW1 on his way to the house of the prosecutrix (PW10) and they together saw the accused and the prosecutrix (PW10) by the focus of mobile phone torch proceeding towards the house of the accused. As a result of such major discrepancy in the testimony of PW1 and PW2 as to the exact location of the prosecutrix (PW10), the veracity of their evidence creates a doubt in seeing the accused and the prosecutrix (PW10) together. That apart, it is crystal clear from the testimony of the PW1 and PW4 that they had not witnessed as to how the accused had taken away the prosecutrix to his house from the venue of the Bihu function where both the accused and the prosecutrix were present and took part in the Bihu programme in their respective role. Further more, they were also not eye witness to the alleged commission of sexual assault on the prosecutrix (PW10).
- 36. The testimony of PW2 is also found to be relevant as being the first informant of the case who lodged the FIR vide Ext.1. But he has categorically revealed in his examination in chief that he was not present when the alleged occurrence took place as on that day he went to Duni under Sipajhar Police

Station. On the next day when he came back to the house of the prosecutrix (PW10), who is his niece and thereafter, he lodged the FIR as per her version.

- 37. Now, turning to the evidence of PW3, PW4, PW5 and PW6 what has emerged that they are reported witnesses and their evidence does not disclose even a shred of evidence as to the present participation and commission of the alleged offence by the accused. While the evidence of PW7 is assayed it is found that he is also a reported witness. But, in cross-examination he has stated that on the day of occurrence they had programme in the Bihu function and accused was in that Bihu group.
- 38. Now coming to the evidence of PW8, who is the mother of the prosecutrix (PW10), it appears that her evidence is also no worthy of credence so much so that her evidence is found to be full of variation from her earlier statement. Though PW8 has stated that accused forcibly took her daughter (PW10) to his house and tried to commit rape upon her on the day of occurrence but her evidence in this respect has suffered from contradiction and as a result, her evidence as a truthful witness has been corroded in respect of the material particular of the case. This witness is found to be not only an interested witness being the mother of the prosecutrix (PW10) but her evidence is not implicitly reliable due to major discrepancies which has shaken the genesis of the prosecution case inasmuch as she has admitted in cross-examination that she did not see where her daughter (prosecutrix) was taken by the accused. It was rightly so as this witness has stated in her chief examination that on the day of occurrence her daughter (PW10) was with her sister Jupitara Kalita in the Bihu function and after taking "Gagana" (musical instrument made of bamboo) from them they went to Bihu function. But surprisingly the sister of the prosecutrix (PW10) Jupitara kalita has not been cited as a witness in support of the prosecution version though she was a crucial witness in the facts and circumstances of the case.
- 39. Moreover, the evidence of PW8 is also not at all corroborated by the testimony of PW9, who has stated to the effect that on the day of occurrence

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she alongwith PW8, the mother of the prosecutrix, were enjoying Bihu function alongwith the prosecutrix (PW10) and her own daughter. At that time PW1 informed that the prosecutrix (PW10) was taken by the accused forcibly to his house. It is, thus, beyond logic as to how the accused could haveforcibly taken away the prosecutrix (PW10) when PW9 alongwith PW8, the mother of the prosecutrix and the prosecutrix (PW10) herself were enjoying Bihu function together. Had the accused forcibly taken away the prosecutrix (PW10) they would have noticed the incident by their own eyes and the other public who gathered in the Bihu function when the house of the accused was admittedly just 500 meters away from the venue of the Bihu function. The statement of PW9, that she saw the accused and the prosecutrix in the house of the accused, is also not at all believable. Situated thus, the testimony of PW8 and PW9 that on being asked the prosecutrix (PW10) said that accused tried to commit rape cannot be accepted upon unless supported by the evidence of the prosecutrix (PW10), who is the prime witness as being the victim of the sexual assault.

40. It is in this back drop if we scrutinise the testimony of PW10, it wuld evidence that her evidence does not inspire confidence. Her evidence is found to be not of starling quality. Her evidence suffers from basic infirmity on the probability factor as regards the alleged incident and therefore, her evidence is found to be unworthy of credence. The evidence of PW10 demonstrates that on the date of incident which took place on 16.4.15 she participated in the Bihu function as a Bihu dancer being held in their village. In order to bring "Gagana" (a musical instrument made of bamboo) she went near her mother and when she was bringing "Gagana" the accused forcibly took her to his house. This vital piece of evidence of PW10 is not at all plausible and acceptable in the light of the evidence of her own mother (PW8) and PW9 in view of the fact that had she been forcibly taken away by the accused to his house at the time of collecting "Gagana" from her mother (PW8) it would have been witnessed even by PW9, who was sitting with her mother (PW8) and other public who were present at the Bihu function. It is beyond discernment as to why the prosecutrix (PW10) did not raise hue and cry immediately while

she was forcibly taken away by the accused from the venue of the Bihu function so as to escape from the clutch of the accused. That being so, it is incredible as to how the accused could have managed to forcibly take away the prosecutrix (PW10) from the sight of the public assembled at the venue of the Bihu function where the mother of the prosecutrix (PW10) was also present. That aside, the disclosure made by the prosecutrix (PW10) in her crossexamination that when the accused forcibly took her to his house she did not raise alarm when she was enjoying Bihu function alongwith her mother has further jolted the plausibility of the prosecution story rendered in her evidence that after her forcefully removing from the Bihu function to the house of the accused where the accused touched her breast and when the accused tried to undress her she raised alarm. If the accused had carried her forcefully from the venue of the Bihu function thronged by many persons including her mother she would have definitely shout for help but she remained silent and that being the discrepant evidence adduced by the prosecutrix (PW10), the accused touching her breast and attempted to undress her at his house and she raised alarm, cannot be believed when the prosecutrix (PW10) has in the same day disclosed that PW1 and PW4 found her alongwith the accused standing on the road. Though prosecutrix (PW10) has claimed that she was 14 years old at the time of occurrence, but no birth certificate has been submitted to substantiate her minority at the time of occurrence nor had she undergone medical examination so as to ascertain her age by way of ossification test. Hence, it has remained to be proved conclusively that the prosecutrix was minor at the time of occurrence. Thus, the evidence of the prosecutrix (PW10) read a whole appears to have no ring of truth as her evidence is contradictory, discrepant which is shaken as to render it worthy of belief.

41. We are conceptually very clear that in a case of sexual offence, the onus is always on the prosecution to prove affirmatively each ingredient of the offence it seeks to establish such onus.

- 42. The Supreme Court in Jogidan and Ors., appellant v. State of Maharastra, reported in 2004 Cr. LJ 1726, reiterated the legal principle of law that however, great the suspicion against the accused and however strong the moral belief and conviction of the judge, unless the offence of the accused is established beyond reasonable doubt and beyond the probability of reasonable doubt on the basis of legal evidence and material on the record, he cannot be convicted for an offence. There is an initial presumption of innocence of the accused and the prosecution has to bring home the offence against the accused by reliable evidence. The accused is entitled to the benefit of every reasonable doubt."
- 43. To similar effect is the ratio of the judgment passed in Motilal Vs State of Madhya Pradesh case in **AIR 2008 SC (Supp.) 882** wherein it is ruled that the evidence of the prosecutrix was liable to be believed save in exceptional circumstances. There can be no quarrel with this proposition, but to hold that the prosecutrix must be believed irrespective of the improbabilities in her story is an argument that can be never accepted. The test always is as to whether the given story prima facie inspires confidence.
- 44. Keeping in view the entire facts and circumstances above, especially the material contradictions in the statement of the prosecutrix it makes it crystal clear that if the evidence of the prosecutrix (PW10) is read and considered in the totality of the circumstances alongwith other evidence on record under which the offence is alleged to have been committed, I am of the view that the deposition does not inspire confidence. The prosecution has not disclosed the true genesis of the crime.
- 45. In the back drop of the above discrepant, discordant and contradictory evidence on record including that of the prosecutrix (PW10) the delay in lodging the FIR after two days of the incident is found to be not satisfactorily explained and the purported explanation offered by her father (PW11) is apparently false in the facts and circumstances of the instant case and this is an additional ground to falsify the testimony of the prosecutrix (PW10) which is

replete with serious infirmities and contradictions in respect of the material particulars of the case.

46. Considering the questionable propensity of the prosecutrix (PW10), I am tempted to refer to the case of **Moinul Hoque and others Vs. State of Assam (2001) 1 GLR 516**. In para 16 of the judgment it is held as under:

"It is true that a court has to take seriously the cases relating to violence against women. Simultaneously, the court has a duty to guard itself against false charges of rape. The narration of the prosecution case is full of vital omissions and contradictions and it raises a strong doubt which overshadows the genesis of the prosecution case. In my opinion, it would be unsafe to sustain the conviction in this case relying upon the testimony of the prosecutrix alone. Dignity of women will have to be protected, but without the aid of emotion. This is undoubtedly not a case where the prosecutrix has the last 'say'."

- 47. As discussed earlier the evidence of the prosecutrix(PW10) and the other evidence on record has been found as most artificial, unreliable and inconsistent which, as per the settled position of law cannot be accepted or acted upon as the probability of making false allegation is not unusual and cannot be ruled out.
- 48. Therefore, in my considered opinion, prosecution has failed to prove its case against the accused beyond all reasonable doubt and hence, accused is entitled to get the benefit of doubt.
- 49. In the result, I am constrained to hold that the accused Jitula Saikia is not guilty U/S 8 of the POCSO Act. Therefore, he is acquitted thereunder on benefit of doubt and set him at liberty forthwith.

Bail bond executed by the accused and the surety shall remain in force for another six months under the purview of Section 437(A) Cr.P.C.

Given under my hand and seal of this Court this 29th day of August, 2018.

Dictated and corrected by me and each page bears my signatures.

(P.Saikia) Special Judge, Udalguri.

Sessions Judge, Udalguri.

APPENDIX:

A)Prosecution witnesses:

Bhadra Kt. Kalita i) PW1 ii)PW2 Narapati Kalita iii)PW3 Bishnu Kumar iv)PW4 Pranseswar Kalita v)PW5 Nagen Deka vi)PW6 Ghanashyam Deka vii)PW7 Jayanta Deka. viii) PW8 Snehi Kalita ix) PW9 Jyoti Moni Kalita x) PW10 Gitanjali Kalita xi)PW11 Soneswar Kalita xii)PW12 Khagendra Hazarika xiii)PW13 Sailendra Nath Barman

B)Defence witness: Nil.

C)Exhibits:

i)Ext.1 FIR

ii)Ext.2 Statement of victim U/S 164 Cr.P.C.

iii)Ext.3 Sketch map

iv)Ext.4 Extract copy of GDE.

v) Ext.5 Charge-sheet.

Dictated and corrected by me.

Special Judge, Udalguri