IN THE COURT OF THE SESSIONS JUDGE, MORIGAON

Sessions (Spl.) Case No.17/2014 U/S 376 (1) IPC, R/W Section 4 of POCSO Act

Present : Mr. Dhrupad Kashyap DasSessions Judge, Morigaon.

State of Assam

Vs.

Md. Faruk Ahmed @ Gaonburah Accused

Date of Charge :- 17.12.2014.

Date of recording evidence :- 22.01.2015, 08.03.2016, 28.04.2016 &

27.07.2017.

Date of Argument :- 19.03.2018 & 02.04.2018.

Date of Judgment :- 11.04.2018.

Appearance for the Parties

Advocate for the State :- Mr. A. Kalam, Ld. P.P.

Advocate for the accused :- Mr. P.R. Bora, Ld. Advocate,

Mr. N. U. Ahmed, Ld. Advocate.

JUDGMENT

1. In this case, the prosecution has alleged that a 14 (fourteen) years old girl fell victim to sexual assault at the hand of accused. The accused is one Md. Faruk Ahmed @ Gaonburah of village Takunabori, P.S. Mikirbheta, Dist. Morigaon (Assam). The informant Md. Ajmat Ali is the resident of village Haladhibari, P.S. & Dist. Morigaon (Assam). He is the father of the victim, Miss X (the real name of the victim kept concealed to save her from infamy). According to the prosecution, on 11.06.2014 at around 5.30 P.M., while the victim was waiting for a vehicle at Jalugoti Bus stand to return back to her house; the above-named accused boarded her in an Indica Car

and took her near a burial ground, which was thickly covered with jungle. Thereafter, the accused grabbed her mouth and took her inside the burial ground, where he (the accused) forcefully committed rape on her against her will. It is further alleged in the ejahar that while the victim tried to raise alarm, then the accused threatened her to kill.

On the very day of occurrence of the incident, the informant went to Morigaon P.S. and lodged an F.I.R. On receipt of the F.I.R., the then O/C Morigaon P.S. registered a case vide Morigaon P.S. Case No.266/14, U/s 376 (2) IPC.

2. The investigation was set in motion. During the course of investigation, the I.O. visited the place of occurrence. The I.O drew up the sketch map of the P.O. Thereafter, the I.O. recorded the statement of the victim as well as other material witnesses and also got the victim medically examined and got her statement recorded U/s 164 Cr.P.C. The I.O. during investigation arrested the accused and produced before the learned Court below, wherefrom, he was remanded to judicial custody. Thereafter, the I.O. collected the medical report and upon completion of investigation, he submitted charge-sheet against the above-named accused with allegation of offences punishable U/s 376 (2) of IPC, read with Section 4 of POCSO Act. Thereafter, the Ld. Court below on production of the accused person furnished copies of relevant documents as mandated U/s 207 Cr.P.C. Thereafter, the learned Court Below committed the case to this Court by finding it to be exclusively triable by this Court. On receipt of the case record and on production of the accused person, my learned Predecessor having heard Ld. Counsel of both sides and basing upon materials on record framed charges U/s 376 (1) of IPC, read with Section 4 of POCSO Act against the accused person, which were read over and explained to the accused to which he pleaded innocence and claimed to be tried. Thereafter, vide order dated 09.01.2015 of Hon'ble Gauhati High Court passed in bail application No.52/15, this Court released the accused person on bail.

3. Point for determination:

- (i) Whether the accused on the eventful day i.e. on 11.06.2014 at around 5.30 P.M. at village Borigaon under Morigaon P.S. in the district of Morigaon, committed rape on the victim i.e. the daughter of the informant aged about 14 (fourteen) years?
- (ii) Whether the accused on the same day, time and place committed penetrative sexual assault upon the victim, a minor girl?
- 4. In this case prosecution has examined as many as 6 (six) PWs including the most material witnesses of this case. After completion of recording the evidence of the PWs, the accused was subjected to examine as warranted U/s 313 Cr.P.C. with respect to the incriminating materials that surfaced against him in the evidence on record. The accused declined to adduce defence evidence.
- 5. I have heard argument so advanced by Ld. Counsel of both sides. Considering the evidence on record, I have come to the following decisions.

DISCUSSION, DECISION AND REASONS THEREOF

In this case, it is alleged by the prosecution that on the eventful day the above-named accused committed rape and penetrative sexual assault upon the daughter of the informant i.e. the victim, a minor girl, without her consent.

(a) PW-1 (Dr. Madhusmita Bora Deka) stated in her evidence that on 12.06.2014, she was at Morigaon Civil Hospital as M. & H.O. On that day, she examined one Nazmin Sultana, daughter of Azmat Ali at around 1.30 P.M., who was escorted by Home Guard Purnima Bordoloi and female attendant Bina Das. PW-1 stated that the victim has given a brief history of rape by one Faruk Ahmed on 11.06.2014 at around 5.30 P.M. On examination PW-1 found the following:-

"A black mole on the left side of the neck as identification mark. Her height was 4 feet 11", weight was 45 Kg. teeth 15/14, breast – developed, auxiliary hair- present, pubic hair – present and vagina hymen-present. External injury and vaginal injury – Nil. Genital canal and perineum – normal. Vaginal smear lab. Regd. No.45250/14. No spermatozoa seen. X-Ray done by Dr. R. P. Bora on 12.06.2014 and as per X-Ray report, the age of the victim was in between 15-16 years. "

In her opinion PW-1 stated that no sign of recent forceful intercourse found. No mark of violence was seen.

PW-1 proved Ext.1 the medical report, whereupon, Ext.1 (1) is her signature.

During cross-examination, PW-1 stated that the age mentioned in report is based on opinion made by Dr. R. P. Bora and it may vary.

(b) PW-2 (Miss – X, the victim girl) stated that the informant Azmat Ali is her father. She knows the accused. According to PW-2, the occurrence of the incident took place around 22 (twenty two) months back at around 5.30 PM. At that time, she was a student of class VIII of Dandua Madhyamik Vidyalai. PW-2 stated that on the eventful day, while she was waiting at Tokonabori Tiniali for vehicle to return back to her house from the house of her aunt, the accused, who was earlier known to her, came and told her to board his vehicle. Then, she boarded his vehicle i.e. the Indica car. The said car was driven by one unknown driver and accused also boarded the said vehicle. As soon as they reached near the destination, the accused shut down all the windows of the vehicle. Then, they crossed the Dondua Tiniali and after crossing the "tiniali", they took the vehicle near a village burial ground, which was thickly covered by jungle. PW-2 stated that they halted the said vehicle by the side of the burial ground. Thereafter, the accused grabbed her mouth and took her inside the said burial ground. Then, the accused raped her against her will with force. PW-2 stated that the accused also undressed her at the time of committing the offence and after committing rape on her the accused left the place deserting her there. PW-2 stated that after sometime, she saw two people coming towards her. Then,

she narrated the incident to them, who took her 'churni' from the ground and covered her body. Then, one of them made a phone call to her father by collecting the phone number from her. Then, after 10 minutes her father came there and took her home. She (PW-2) narrated the incident to her mother. PW-2 stated that her clothes were torn by the accused. PW-2 stated that her father lodged an FIR against the present accused. PW-2 further stated that after the incident she was boycotted by the village people. Nobody maintained relationship with her and no one talked with her. She (PW-2) was forced to leave the school. PW-2 stated that Police recorded her statement. She was medically examined. She was also brought to the court, where her statement was recorded U/S 164 of Cr.P.C. PW-2 proved Ext. 1 her statement recorded U/S 164 Cr.P.C., whereupon Ext. 1(1) and Ext. 1(2) are her signatures.

During cross-examination, PW-1 stated that now she got married. She married with a person of village Dolbari. PW-2 stated that the vehicle did not belong to the accused. The accused and the driver occupied the frontal seat of the vehicle and she occupied the back seat. In the vehicle they were not talking to each other. PW-2 stated that she does not ask the driver to stop the vehicle at Dandua Tiniali. PW-2 stated that the burial ground is situated by the roadside of the PWD road connecting Nagaon-Morigaon and it is a busy road. There was a narrow lane and the vehicle was landed there. PW-2 stated that on the opposite side of the road of the burial ground, there is GeraKhuwa village populated with a lot of people, on the Eastern side of the burial ground, the Dandua village is there and on the Western side of the burial ground Morimusalman village is situated which is thickly populated. It was a large burial ground. There was also a cremation ground near the said burial ground. PW-2 stated that the accused committed the offence inside the burial ground. PW-2 denied the suggestion that there was no jungle inside the said burial ground. PW-2 stated that while she was forced to come inside the vehicle, she cried out but, the driver of the vehicle did not come out for her help. According to PW-2 around 15 feet away from the said road, the offence was committed.

PW-2 stated that the traffic on the road is not visible from the place of occurrence. There was regular traffic on the road. PW-2 stated that the accused raped her for about 5-10 minutes and at the time of committing rape, the accused used both the hands. PW-2 stated that at the time of incident she cried out, but no one came for her help. She cried for about 15 minutes. PW-2 stated that when her hands were free, she tried to push him away. PW-2 stated that her long pant was pulled out to knees and upper garments were completely removed. PW-2 stated that after the incident she put on her clothes. She met two persons on the narrow lane of the burial ground, who were not known to her. PW-2 stated that the said two persons whom she met there lifted her 'churnni' and covered her body. PW-2 denied the necessary suggestions put by the defence.

(c) PW-3 (Md. Azmat Ali) stated in his evidence that he is the informant of this case. Victim is his daughter. He knows the accused. According to PW-3, the occurrence of the incident took place around 21 months back. At that time his daughter (the victim) was studding in class VIII and her examination was over. At the relevant time, his daughter (the victim) attainted the age of about 14 (fourteen) years. PW-3 stated that his sister was residing in Jaluguti Tokonabori. So, after examination his daughter (victim) went to the house of his sister and stayed there for one week. PW-3 stated that on the eventful day, his daughter was waiting at Pub- Jalugoti for want of vehicle to come back to her house. Then, the above-named accused came there and told his daughter that he was going to Morigaon and asked her to board his vehicle. Then, his daughter boarded in the vehicle. PW-3 stated that he (the accused) took his daughter to Borigaon Kabarsthan and behind the said burial ground he (the accused) forcefully raped his daughter. PW-3 stated that at that time he was at Dandua Tiniali. Then, one Kula, his brother-in-law informed him about the incident. After receipt of the information about the incident, he (PW-3) went there and found his daughter there. At that time his daughter talking with one Gopal. Then, PW-3 brought his daughter back to his house. PW-3 stated that on

questioning his daughter narrated the entire incident to him and his wife. PW-3 stated that he lodged the FIR against the accused. PW-3 proved Ext. 2 the FIR. PW-3 further stated that after the incident his daughter was boycotted by the village people and nobody made relationship with her nor talked with her.

During cross-examination, PW-3 stated that from Dandua Tiniali the said burial ground is about 1 furlong away and there is one cremation ground near the burial ground. The entire area of burial and cremation ground covered about 30 bighas of land. There were villages around that place. The burial ground covered about 4 bighas of land. The boundary is made by pucca wall. There was a narrow lane adjacent to the burial ground that leads to the cremation ground. PW-3 denied the suggestion that accused did not rape his daughter.

(d) PW-4 (Dulal Nath) stated in his evidence that he knows the informant. Accused is not known to him. On the day of incident, he has seen the victim girl. According to PW-4, the occurrence of the incident took place around 2 (two) years back at about 4.00/5.00 P.M. At that time he was going towards Geragaon by riding a bicycle and on the way he saw one girl standing in front of a cremation ground used by Koch community. PW-4 stated that he saw the said girl was in a normal condition and well dressed. He had a talk with the girl. One Gopal Medhi was also there. She told them that she was from Morimusolmangaon and after some time her father came there and took her away. This witness was declared hostile by the prosecution.

During cross-examination by prosecution, PW-4 denied the suggestion that he has stated before the Police that on the road he has seen Gopal Medhi coming towards him; he has also seen one girl was dragged by one boy inside the jungle Borigaon Kabarsthan; after 10-15 minutes they came out from the jungle; they tried to catch the boy, but he escaped under cover of thick jungle.

During cross-examination by defence, PW-4 stated that the accused is not known to him. The girl did not say anything to anyone.

(e) PW-5 (Gopal Medhi) stated in his evidence that he knows the informant. He also knows the victim, who is the daughter of the informant. Accused is not known to him. According to PW-5, the occurrence of the incident took place around one year back at afternoon. At that time, he was going towards Dandua Bazar. Then, he found the victim standing by the roadside near a burial ground. He had a talk with the girl. At that time father of the victim reached there and took her away. He enquired about her residential address. This witness is also declared hostile by the prosecution.

During cross-examination by prosecution PW-5 denied the suggestion that he stated before the Police that while going towards Dandua he saw Dulal Nath standing near a burial ground and he told him that a boy dragged a girl inside the jungle and so they both stayed there for some time and after a while they came out from the jungle and they tried to catch the boy; but the boy escaped through the jungle and the girl told them that she was forcefully taken to the jungle by the boy who sexually assaulted her.

During cross-examination by defence, PW-5 stated that he did not see the accused there. The incident took place near Nagaon - Morigaon Highway. It is a busy road having traffic. The girl did not say anything to anyone.

(f) PW-6 (Sh. Utpal Kumar Nath), the I.O. stated in his evidence that on 11.06.2014, he was posted at Morigaon Police Station. On that day, he was endorsed with the Morigaon P.S. Case No.266/14, registered U/s 376 IPC r/w Section 4 of the POCSO Act. PW-6 stated that the ejahar was lodged by the father of the victim girl. PW-6 stated that the informant alleged that, on 11.06.2014, in the evening, the accused person took his minor daughter in

an Indica vehicle to jungle area and committed rape with her. PW-6 stated that he went to the place of occurrence and drew up the sketch map of the place of occurrence. PW-6 proved Ext. 4 is the sketch map, whereupon Ext. 4(1) is his signature. The place of occurrence was a jungle area near a graveyard. It was a dense jungle. PW-6 stated that he recorded the statement of the complainant, victim and other relevant witnesses. He forwarded the victim for medical examination. He also produced the victim before the Magistrate to record her statement U/s 164 Cr.PC. The accused was absconding. Later on, the accused surrendered before the Court. PW-6 stated that on the date of occurrence of the incident, the victim girl was returning to her house from the house of her relative. On her way, the accused person met her on road. The accused came with an India vehicle. The victim girl requested the accused to drop her to her house. Accordingly, the accused person picked up the victim girl on his vehicle but, instead of taking her to her house, the accused took her to a dense jungle namely, Borigaon Kabarsthan jungle where the accused sexually assaulted the victim. PW-6 stated that the victim girl told him that the accused committed rape with her in the jungle. PW-6 stated that he after completion of necessary investigation and collecting the relevant materials, submitted charge-sheet against the accused person U/s Section 376 (2) (i) IPC, r/w Section 4 of the POCSO Act, 2012. PW-6 proved Ext. 5 is the charge-sheet, whereupon Ext. 5(1) is his signature.

PW-6 stated that witness Dulal Nath (PW-4) stated before him that on the date of the occurrence of the incident and at the relevant time he met one Gopal Medhi on the road and then he saw one girl who was dragged by one boy towards Morigaon Jungle Kabarsthan and after 10/15 minutes both of them came out from the said jungle. PW-4 also stated before him that he and Gopal Medhi tried to catch the said boy but he escaped.

PW-6 stated that witness Gopal Medhi (PW-5) stated before him during investigation that on the date of occurrence of the incident and at

the relevant time while going towards Dandua he saw Dulal Nath standing near burial ground and said Dulal Nath told him that a boy dragged a girl inside the jungle. PW-5 further stated before him that he and Dulal nath stayed there for some time and then they saw that the boy and the girl came out from the jungle. PW-5 also told him that they tried to catch them but the boy escaped under the cover of dense jungle. PW-5 further stated before him that, on being asked, the girl told that she was forcefully taken to the jungle by the boy in an India vehicle, and thereafter, the said boy by taking her to the jungle committed rape with her.

During cross-examination, PW-6 stated that the victim girl was coming from Tukunabari village towards her house at Haldibari. One has to halt at Dondua Chariali to go to Haldibari from Tukunabori. The vehicle of the accused person instead of proceeding towards Haldibari proceeded towards other side. The place of occurrence is about 1 KM away from Dondua Chariali. There is a motorable road situated near about 300/400 mts away from the place of occurrence. PW-6 stated that he does not mention the said distance in his sketch map. Accused person took the victim from Dondua Chariali to the place of occurrence through PWD road. There is a village called Dholthapar near the place of occurrence. There is also a village called Borigaon near the place of occurrence. PW-6 stated that he does not mention the distance towards Morigaon from the place of occurrence. He also does not mention the place where the accused parked his vehicle near the place of occurrence. The place of occurrence is a burial ground covered with dense forest. The burial ground is having near about 10/12 bighas of land. The area of nearby villages starts from the boundary of the burial ground.

On questioning by the Court, PW-6 stated that the place of occurrence was covered by dense jungle. There were many trees and herbs in the said jungle. It is difficult to see the inside of the jungle from its boundary. The graveyard is situated inside the jungle. The place of occurrence was a very lonely place though surrounded by villages.

- 6. The prosecution case purely rests on the evidence of prosecutrix /victim i.e. PW-2. While assessing and appreciating the evidence of victim girl, it appears to the Court that she has rendered her evidence with full faith and her narration of the occurrence of incident has also inspired full confidence to the Court. She clearly deposed that on the date of occurrence of the incident and at the relevant point of time while she was waiting for bus to come back to her house, she met the accused who came with a vehicle and on being persuaded by him, she boarded the vehicle of the accused with the expectation that the accused will drop her at her house. However, instead of doing so, the accused forcefully took her to a graveyard which is covered by dense forest and forcefully committed sexual intercourse with her against her will. She also stated that the accused dragged her inside the burial ground by gagging her mouth and after committing rape the accused deserted her in the burial ground alone. Thereafter, the victim girl came out from the burial ground and saw two persons, who helped her to make a phone call to contact her father. During cross-examination, it is also revealed that the accused person forced her to come inside the vehicle though she cried out, but the driver of the vehicle did not extend any help to her. She also stated in her cross-examination that traffic on the road was not visible from the place of occurrence and the accused committed sexual intercourse with her for about 5 to 10 munities. She even stated in her evidence that she also cried out for about 15 munities after the incident of occurrence. It is also revealed that the accused pulled out her wearing clothes during commission of rape with her. It appears that during her cross-examination the defence was neither able to break her version nor elucidated any point in favour of the accused.
- 7. During assessment of evidence of the victim girl, the Court has relied upon many judgments of Hon'ble Apex Court. In this case the victim girl is the injured witness who suffered irreparable loss as her sanctity was destroyed by the accused person. The testimony of such an injured witness has its own relevancy and efficacy having great evidentiary value. Even she is considered as a solitary witness then also awarding punishment to the

accused is not barred. The conviction can even be based on the testimony of the sole witness. It is the quality not the quantity of the evidence for proving a fact. There is no rule of law nor of prudence that solitary witness should not be believed. In **Madho Ram Vs. State of U.P. (1973) 1 SCC 533,** the Hon'ble Apex Court held that conviction on a charge of rape on the basis of uncorroborated testimony of prosecutrix is legal.

- 8. It is settled law that victim of sexual assault is not treated as accomplice and as such, her evidence does not require corroboration from any other evidence including the evidence of doctor. In a given case even if the doctor who examined the victim does not find sign of rape, it is no ground to disbelieve the testimony of prosecutrix. In normal course a victim of sexual assault does not like to disclose such offence even before her family members much less before public or before police Om Prakash Vs. State of U.P. (AIR 2006) SC 2214. It is also well settled that prosecutrix complaining of having a victim of the offence of rape is not an accomplice after the crime. There is no rule of law that her testimony can be acted upon without corroboration on material particulars. She stands on a higher pedestal.
- 9. During evidence, PW-4 disclosed that at the relevant point of time he was going towards Geragaon by riding a bicycle and on the way he saw the victim girl standing in front of a cremation ground. He stated that after sometime her father took her away. PW-5 also deposed in the same line as stated by PW-4. Since these two witnesses did not support the prosecution case; they were declared hostile by prosecution. The prosecution during its cross examination put necessary suggestions to PW-4 and PW-5; which they denied.

PW-4 denied the suggestion that he stated before the I.O. that on the road he saw Gopal Medhi coming towards him and a girl who was dragged by one boy into the "Kabarsthan" (burial ground). PW-4 also denied the suggestion of prosecution that he stated before I.O. that after

10/15 munities when the boy and girl were coming out from the jungle they tried to catch the boy but, the boy escaped through dense forest.

PW-5 denied the suggestion of prosecution that he stated before the I.O. that while he was coming towards Dandua he saw Dulal Nath (PW-4) standing near a burial ground who told him that a boy dragged a girl inside the jungle and when the boy and the girl came out they tried to catch the boy who escaped through jungle. PW-5 also denied the suggestion of the prosecution that he stated before the I.O. that the girl told they that she was forcefully taken to jungle by the said boy, who sexually assaulted her.

In order to confirm the suggestion made by prosecution; the 10. evidence of I.O. is perused and the I.O. (PW-6) stated in his evidence that witness Dulal Nath (PW-4) stated before him that on the date of the occurrence of the incident at the relevant point of time he met Gopal Medhi (PW-5) and saw a girl who was dragged by one boy towards "Kabarsthan" which is a jungle and after 10/15 munities both of them came out from the jungle and when they tried to catch the boy, the boy escaped. The I.O. also confirmed that Gopal Medhi (PW-5) stated before him that on the date of occurrence of the incident and at the relevant point of time, he saw Dulal Nath (PW-4) standing near a burial ground and he told him that a boy dragged a girl inside the jungle and after sometime they saw both the boy and the girl came out from the jungle and when they tried to catch the boy, he escaped. PW-5 further stated before the I.O. that on being asked, the girl told him that she was forcefully taken to jungle by a boy in an Indica vehicle, thereafter, the said boy by taking her inside the jungle committed rape with her.

Hence, the necessary suggestions put by prosecution have been confirmed by the I/O during his evidence. So, it appears that the previous statements made by PW-4 and PW-5 during investigation period are

corroborated by the I.O. (PW-6) in his evidence. Apart from that, the evidence of the informant appeared to be trustworthy, in as much as, he being the father of the victim girl shall not tell lie and implicate a third person when his daughter's sanctity is ruined.

- 11. Under the aforesaid facts and circumstances and upon hearing both sides and also considering the entire materials-on-record; this Court has found the accused guilty for committing the offence U/s 376 (1) of IPC, R/W Section 4 of POCSO Act. It appears to this Court that prosecution has established the case beyond all reasonable doubt.
- 12. In this case my learned predecessor framed charged against the accused person U/s 376 (1) of IPC, R/W Section 4 of POCSO Act as the victim girl was found to be minor (14 years old) at the time of occurrence of the incident. While writing the judgment, I am of the view that my learned predecessor ought to have framed charge against the accused U/s 376 (2) (i) of IPC. However, in both the sections, punishment may extend to imprisonment of life either from the 7 years (in case of Section 376 (1) IPC) or from 10 years (in case of Section 376 (2) (i) IPC). However, this Court shall confine in awarding punishment to the accused prescribed U/s 376 (1) IPC.
- 13. The accused person is heard on the point of sentence U/s 235 (2) Cr. P.C. and after explaining the punishment against the afore-mentioned sections, the accused pleaded that he may be given lesser punishment and also prayed for leniency & mercy.

SENTENCE

14. After finding the accused guilty and hearing the accused on the point of sentenced, the accused is convicted and sentenced to R.I. for a term of 7 (seven) years and also liable to pay fine of Rs.20,000/-, in default thereof, he shall undergo S. I. for another 3 (three) months, U/s 376 (1) of IPC. The

accused person is further convicted and sentenced to undergo R.I. for 7 (seven) years and shall also be liable to pay fine of Rs.20,000/-, in default thereof, he shall further undergo S.I. for 3 (three) months, U/s 4 of POCSO Act. Both the sentences are to run concurrently.

It is also directed that the period of sentence, if any, incurred by the accused person (convict) during investigation and trial shall be set off with the substantive sentenced. The fine amount, if realized from the convict shall be deposited to the Government Exchequer in due course.

15. In this case, the victim girl, who has lost her sanctity because of the illegal act of the accused, deserves victim compensation under the victim compensation scheme as defined U/s 357-A Cr. P.C. The DLSA, Morigaon shall determine the compensation amount towards the victim in this regard and shall do the needful.

A copy of this judgment and order along with any other materials shall be forwarded to the Secretary, DLSA, Morigaon, for necessary action.

A copy of the judgment and order shall also be furnished to D.M. Morigaon.

Let a free copy of the Judgment and order shall be furnished to the convict.

Judgment is delivered and pronounced in the open Court on this 11^{th} day of April, 2018 under my hand and seal.

Dictated & corrected by me

Sessions Judge Morigaon.

APPENDIX

A. Prosecution witness

- 1. PW-1: Dr. Madhusmita Bora,
- 2. PW-2:- Miss Nazmin Sultana,
- 3. PW-3:- Md. Azmat Ali,
- 4. PW-4: Sri Dulal Nath,
- 5. PW-5 :- Sri Gopal Medhi,
- 6. PW-6: Sh. Utpal Kumar Nath,
- B. <u>Defence witness: Nil.</u>
- C. Prosecution Exhibit:
- 1. Ext.1 :- the statement of the victim recorded U/s 164 Cr.P.C. and the Medical report.
- 2. Ext.2 :- the ejahar.
- 3. Ext.3 :- Nil.
- 4. Ext.4: the sketch map.
- 5. Ext.5: the charge-sheet.
- D. Defence exhibits :- Nil.

Sessions Judge, Morigaon.