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Assam JS Grade - I

Previous Year Paper (Mains)
Paper-III 23 Jun, 2019



THE GAUHATI HIGH COURT AT GUWAHATI

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Main written Examination for Direct Recruitment to Grade I of Assam Judicial Service, 2019

Date : 23.6.2019

Time – 9 A.M to 12 P.M

Total Marks – 100

Duration – 3 Hours.

PAPER III

CONSTITUTIONAL LAW (40 MARKS)

Q1. Examine and discuss about the rights of an accused in the context of constitutional provisions.

MARKS 10.

Q2. Write short note on any two of the following:

MARKS 2X6=12.

- A. Legal Aid
- B. Control of High Court over subordinate courts.
- C. Right to Property.
- D. Preamble to the Constitution of India.

Q3. Death sentence is constitutional. Analyze the above in the context of the rarest of rare doctrine.

MARKS 10.

Q4. Locus Standi and Public Interest Litigation. Critically examine the relationship between the two.

MARKS 8.

JURISPRUDENCE (20 MARKS)

Q1. Write short notes on any two of the following:

MARKS 2X5=10.

- A. Custom as a source of law.
- B. Ratio Decidendi.
- C. Possession and ownership.
- D. Rights and Duties.

Q2. Discuss and examine substantive law and law of procedure.

OR

Natural justice is the heart and soul of justice dispensation. Examine and discuss. **MARKS 10.**

JUDGMENT WRITING

MARKS 40.

Q1. Write a Judgment on the basis of materials available in the enclosed Paper Book.

PAPER BOOK



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22.	Examination of accused person Sri Babu Kisko	43-45

XL A (1) F.I.R.

1
GR/10-101/13

Lemma

A. D. J. N. (Signature)

15-1-13

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)

Dibrugarh P.S. Tingkhong Year 2013 FIR No. 16/13 Date 15/1/2013

9.00 A.M.

Sections : 302/34

Sections :

Sections :

or Acts & Sections :

Serial Diary Reference : Entry No. 264 of 15/1/13 Time

Occurrence of Offence : Day Scenario Date 15/1/13 Time AF - T.P.M.C

Information Received Date 15/1/2013 Time 9-45 AM G.D.No. 264

Police station Tingkhong

Mode of Information : Written / Oral : Written

Place of Occurrence : House of accd.

Direction and Distance from P. S. About 30 K.M. West.

(a) Address : Kachamari gaon, P.S. Tingkhong, Dist. Dibrugarh
Plot No. _____

In case outside limit of this Police Station then the name of P.S. _____

District _____

Complainant/Informant :

(a) Name : Sri Budhia Kras

(b) Father's / Husband's Name : H. Bijoy Kras

(c) Date / Year of Birth : 1950

(d) Nationality : Indian

(e) Passport No. : _____ Date of issue : _____ Place of issue : _____

(f) Occupation : Daily Labour

(g) Address : Kachamari gaon, P.S. Tingkhong, Dist. Dibrugarh

Details of known / suspected / unknown accused with full particulars 1. Sri Bobakir

2. Smti. Meenakshi Boraik, VII - Kachamari gaon, P.S.

Tingkhong, Dist. Dibrugarh

Reasons for delay in reporting by the complainant / Informant _____

Value of properties stolen/involved : (Attach separate sheet, if reqd.) _____

Value of properties stolen / involved _____

Inquest report / U. D. Case No. if any _____

F.I.R. Contents : (Attach separate sheets, if reqd.) _____

Original F.I.R. enclosed herewith

Action taken : Since the above report reveals Commission of offence (s) u/s as mentioned, a Item No. 2
registered the case and took up the investigation / directed S. P. Mohan Sena Sinha

with investigation of the case to
be in the investigation / transferred to P. S. _____ on point of jurisdiction.

F.I.R. read over to the Complainant / Informant free of cost.

L.T. 08

Bodhna Gram

Signature / Thumb impression of

Complainant / Informant.

File No. 43/08 (Police) 4.00000 18-12-03

Kamal Ch. Borah

Signature of the Officer in-Charge,
Police Station with *Officer Incharge*
Name Tezkhong Police Station
Rank Dist. Diwary
Number, if any 15/1/13

Ext. 4	Seen
Sd/- Illegible	Sd/- Illegible
Sessions Judge	S.D.J.M. (Sadar)
Dibrugarh	Dibrugarh
22/09/15	15/01/13

EJAHAR

To,

The Incharge, Bamunbari Police Out Post

Date: 14.01.13

Sub: Ejahar

Sir,

With due respect, I beg to submit that my daughter Smti. Bai Orang was married off to Sri Bobo Kisko of the same village some nine years back. Later, that Bobo Kisko solemnized his second marriage with Smti. Sunia Boraik. Around 7:00 p.m. yesterday (on 13.01.2013), the two aforesaid persons, in a body, strangled my daughter Bai Orang to death by tying her neck to a post of the house with a nylon rope.

I, therefore, pray to you to look into the matter and take necessary steps in this regard.

Yours faithfully,

R.T.I. of Sri Budhua Orang

S/o- Lt. Bijay Oang

R/o- Kachmari gaon

P.S.- Bamunbari

Dist.- Dibrugarh

Received and entered vide Bamunbari O.P. GDE No. 262 dt. 14/01/13 and forwarded to O/C Tingkhong P.S. for favour of registering a case under proper section of Law. I have taken up the investigation of the case.

Ext. 4(1)	Sd/- Mohan Sena Sinha, S.I.
Sd/- Illegible	In-Charge
Sessions Judge	Bamunbari O.P.
Dibrugarh	Moran/Tingkhong
22/09/15	Dibrugarh (Assam)
	14/01/13

Received and registered Tingkhong P.S. Case No. 16/2013 u/s 302/34 I.P.C. dt. 15/01/2013 and S.I. Mohan Sena Sinha will investigation of the case.

Ext. 4(2)	Sd/- Kamal Ch. Borah, S.I.
Sd/- Illegible	Officer In-Charge
Sessions Judge	Tingkhong Police Station
Dibrugarh	Dist.- Dibrugarh
22/09/15	15/01/13

Forwarding Letter

To

The Hon'ble Chief Judicial Magistrate, Dibrugarh
Through Prosecution Inspector, Dibrugarh Court.

Date: 15.01.13

Ref: Tingkhang P.S. Case No.16/13 u/s 302/34 IPC

Sub: Forwarding of accused

Sir,

In connection with the aforementioned reference, I pray to you to keep the arrested accused persons in jail hajot for 14 days (from 15.01.13 to 28.01.13), i.e. till the completion of the investigation process.

Grounds of arrest: on 14.01.13, informant Sri Budhu Orang, S/o- Lt. Bijay Orang, R/o- Kachmari, P.S.- Tingkhang, appeared in the P.S. and informed the P.S. by lodging a written ejahar that his daughter Smti Bai Orang had been married off to Sri Bobo Kisko of the same village some eight years back; that she had given birth to four children after the marriage; that his son-in-law had solemnized his second marriage with another woman; that there had been disputes in their house for some days and that around 7:00 p.m. yesterday

on 13.01.2013), after picking a quarrel with the daughter of the complainant, his son-in-law and his second wife Puja Kisko strangled his daughter to death with a plastic rope. Upon receipt of the ejahar a case was registered and an investigation was made to that effect.

In the course of investigation, it could be learnt that around 7:00 p.m. on 13.01.13, the ejahar named accused persons quarreled with Bai Kisko(deceased) and then forcibly strangled her to death with a plastic rope around her neck in their residence. Sufficient incriminating materials have also been found against the accused duo. The plastic rope used by the accused persons at the time of committing the incident, was seized in presence of the witnesses.

Under the aforementioned grounds, I pray to you not to release the accused persons on bail since there is strong possibility of issuing death threat to the complainant and the witnesses by them. The grounds of the arrest are intimated to the accused persons by serving a notice as per the provisions of Section 50 Cr.P.C.

Name and address of the accused:

1. Sri Bubu Kisko, 32 years, S/o- Lt. Jungli Kisko
R/o- Kachmari
2. Smti Puja Kisko, 21 years, W/o- Sri Bubu(Bobo) Kisko
R/o+ P.S. – Kachmari

Yours faithfully,
Mohan Sena Sinha S.I.
Bamunbari O.P.
15/01/13

V.O.S.

Sd/- Illegible

S.D.J.M. (Sadar)

Dibrugarh

15/01/13

Sd/- Illegible

Prosecuting Inspector

Dibrugarh Court

15/01/13

Assam Schedule XL-A (Part-1) Form 140**CHALAN FOR USE WHEN A DEAD BODY IS SENT FOR EXAMINATION**

Ref : Bamunbari O.P. GDE No. 262 dt. 14/01/13

Name and caste of deceased-

Bai Kisko

Sex- Female.

Residence- Kachamari gaon.

Where body was found- In her dwelling house.

Date & hour of dispatch and distance from place of post mortem-

70 k.m. from P.O. to post mortem.

Means of dispatch- By Govt. vehicle.

Name of identifying police officer and of the relations of the deceased accompanying the corps-

C/Deep Dehingia.

Marks on the body- As per inquest report.

Cause of death- As per inquest report.

Remarks noting what clothes and article were sent in with the body- Nil.

Sd/- Illegible

In-Charge

Bamunbari O.P.

P.S.- Moran/Tingkhong

Dist.- Dibrugarh, Assam

14/01/13

Sd/- Illegible

14/01/13

Dr. R.K. Gogoi

Professor

Dept. of Forensic Medicine

Assam Medical College

Dibrugarh

1

Sd/- Illegible

Sessions Judge

Dibrugarh

07/04/15

Ex. no. 1

INQUEST REPORT

Ref : Bamunbari O.P. GDE No. 262 dt. 14/01/13.

I, S.I. Mahan Sena Sinha, accompanied by constable/A.S.I. Bhola nath Sonowal, Deep Dihingia, Bidyut Jyoti (illegible) and Ghanakanta Gogoi, arrive at the P.O., i.e. Kachmari Gaon and start holding inquest on the dead body upon the dead body being identified by Sri Bobo Kisko(deceased's husband), S/o-Lt. Jungli Kiso, P.S.- Kachmari, P.S.-Tingkhang to the following effect:

The name of the deceased is Bai Kisoko, W/o- Bobo Kisko, aged about 25. Its height is about 4 feet. Its complexion is black. Hair is black and long. One red blouse and a green checked sari are found in the wearing of the deceased. Mouth and eyes are found closed. The right hand is lying bent on the chest and left had is lying stretched. No mark of injury is present on the back of the deceased, but a black mark, presumably caused as result of hanging, is seen on the neck. Excreta is seen in the anus of the dead body.

On interrogation of some neighbouring people, though it could be learnt that after picking a quarrel with her (deceased) in the night on 13/01/13, her

and co-wife dealt punches and slaps to her and thereafter, strangled her to death with a rope, yet to ascertain the exact cause of death, the dead body is being sent to Assam Medical College and Hospital along with the relevant documents for autopsy.

Signatures of the witnesses

1. Sd/- Ajit Hemram.

Ext. 1(1)

Sd/- Illegible

Sessions Judge

Dibrugarh

07/04/15

2. Sd/- Sri Bihari Sutbanshi,
L.T.I. of Bubu Kisko.

3. Sri Lakheshwar Tanti,
S/o- Lt. Rahila Tanti.

Ext. 1(2)

Sd/- Illegible

Sessions Judge

Dibrugarh

Ext. 1(2)

Sd/- Mohan Sena Sinha, S.I.

In-Charge

Bamunbari O.P.

Moran/Tingkhong

Dibrugarh (Assam)

14/01/13

Ext- 2

Sd/- Illegible

Sessions Judge

Dibrugarh

09/04/15

SEIZURE LIST

M.R. No. 42/13
Z. No. Nil

Ref : Bamunbari O.P. GDE No. 262 dt. 14/01/13.

I, S.I. Mohan Sena Sinha of Bamunbari O.P. do hereby seized the following article on being search in the house of accd. person, which is identified by the local noted in the wits above refs. GDE.

Description seized article -

1. A piece of small plastic rope measuring about two cubits in length with red, blue and white hues on it
2. Three pieces of glass bangles.

Witnesses.

- 1) Sd/- Sri Bihari Sutbanshi, Ext- 2(2)
S/o. Lt. Babi Sutbanshi. Sd/- Illegible
Sessions Judge
Dibrugarh

Sd/- Sri Ajit Hemram.

Ext- 2(1)

Sd/- Illegible

Sessions Judge

Dibrugarh

3) L.T.I. of Rajen Kisku,
S/o. Lt. Gangei Kisku,
of Kasamony.

L.T.I. of Bubu Kisku.

Ext. 2(3)

Sd/- Mohan Sena Sinha, S.I.

Sd/- Illegible

I/C, Bamunbari O.P.

Sessions Judge

14/01/13

Dibrugarh

- 3

SD- Illegible

Sessions Judge

Dibrugarh

Assam Schedule XLIII (Part 1), Form No. 24**POST MORTEM REPORT****P.M. No. 47/13**

Ref : Bamunbari O.P. GDE No. 262 dt. 14/01/13.

Station: Assam Medical College, Dibrugarh.

Day of: 14/01/13.

Name, Sex, age and caste:

Bai Kisko, Fe, Age. 25 yrs.,

W/o. Sri Bobo Kisko,

Kachamari,

P.S.- Tingkhong..

Whence brought Village and Thana:

Kachamari gaon.

Name of constable by whom brought and names of relatives accompanying:

- 1) C/805 Deep Dihingia.
- 2) Sri Rajen Kisko (Brother-in-law)

DATE AND HOUR OF

Despatch : Not mention.

Arrival at dead house : 14/01/13 at 3 p.m.

Examination : 14/01/13 at 3.20 p.m.

Information furnished by Police:

As per inquest report etc.

By whom identified before Medical Officer:

- 1) C/805 Deep Dihingia.
- 2) Sri Rajen Kisko (Brother-in-law)

N.B. Observe the state of all the organs and when no disease injury is found
write "Healthy"

I - EXTRANAL APPEARANCE1. Condition of subject stout emaciated, decomposed etc:

One female dead body of average built, dark complexion, wearing a saree, a blouse and a petticoat. Rigor mortis developed completely on the body. Fecal matters present around the anus. Eyes are closed, mouth partially opened, tongue is slightly protruded and bitten between teeth.

Anus and vagina found healthy.

Injuries-

1. Abrasion (3 x 2 cm.) on back of the left elbow.
2. Abrasion (1.5 x 1 cm.) and (1 x 8 cm., 0.7 cm. apart present on back of the right shoulder.
3. One crescentic nail mark with concavity downward present on right cheek. (1.2 x 3 cm.)

One continuous & horizontal ligature mark (36 x 5 cm.) present on the neck which is completely encircling the neck and at the level of thyroid cartilage. The ligature mark ^{crosses} ~~is~~ behind the neck with a contusion (4 x 3 cm.) on back of the neck. Congestion and petechial haemorrhage present at the margin of the neck. The ligature mark is dark, hard and brownish in colour.

On dissection- The neck tissue under the ligature mark found contused.

2. Wounds - position, and character:

3. Bruise Position size and nature:

4. Mark of ligature on neck dissection, etc.:

II - CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae : Healthy.
2. Membrane : Congested.

Brain and spinal cord

: Brain- Congested.

Spinal cord- Not examined.

Note: The spinal canal need not be examined unless any indications of disease or injury exist.

III – THORAX

1. Walis ribs and cartilages : Healthy.
2. Pleurae : Congested.
3. Laryax and trach ere : Mucosa- Congested.
4. Right lung : } Congested.
5. Left lung : }
6. Pericar (dium) : }
7. Heart : } Healthy, contain fluid & clotted blood.
8. Vessels : }

IV - ABDOMEN

1. Walls : Healthy.
2. Peritonoum : Healthy.
3. Mouth, pharynx, oesophagus : Healthy.
4. Stomach and its contents : Healthy, contains partially digested rice & vegetable.

6. Small intestine and its contents : Healthy, contain digested food.

7. Large intestine and its contents : Healthy, contain gas & faecal matter.

8. Liver : Congested.

9. Spleen : Congested.

10. Kidneys : Congested.

11. Bladder : Healthy & empty.

12. Organs of generation external and internal: Healthy.

Uterus- Healthy & empty.

V - MUSCLES, BONES AND JOINTS

1. Injury : As described.

2. Disease or deformity : Nil.

3. Fracture :

4. Dislocation : Nil.

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

ASSISTANT SURGEON**OPINION OFAS TO CAUSE OF DEATH**
SUB – ASSISTANT SURGEON

Cause of death is asphyxia resulting from ante-mortem strangulation by ligature and homicidal in nature.

Approx. Time since death 12-24 hrs.

The 14th day of January' 2013.

Ext- 3(1)

Sd/- Dr. R.K. Gogoi

Sd/- Illegible

Professor

Sessions Judge

Dept. of Forensic Medicine

Dibrugarh

Assam Medical College

Dibrugarh

ASISTANT SURGEON OF
SUB-ASISTANT SURGEION MPHc

REMARKS BY CIVIL SURGEON

Forwarded

Sd/- Illegible

Professor & I/c.

Dept. of Forensic Medicine

Assam Medical College

Dibrugarh

Ext. 5

Sd/- Illegible

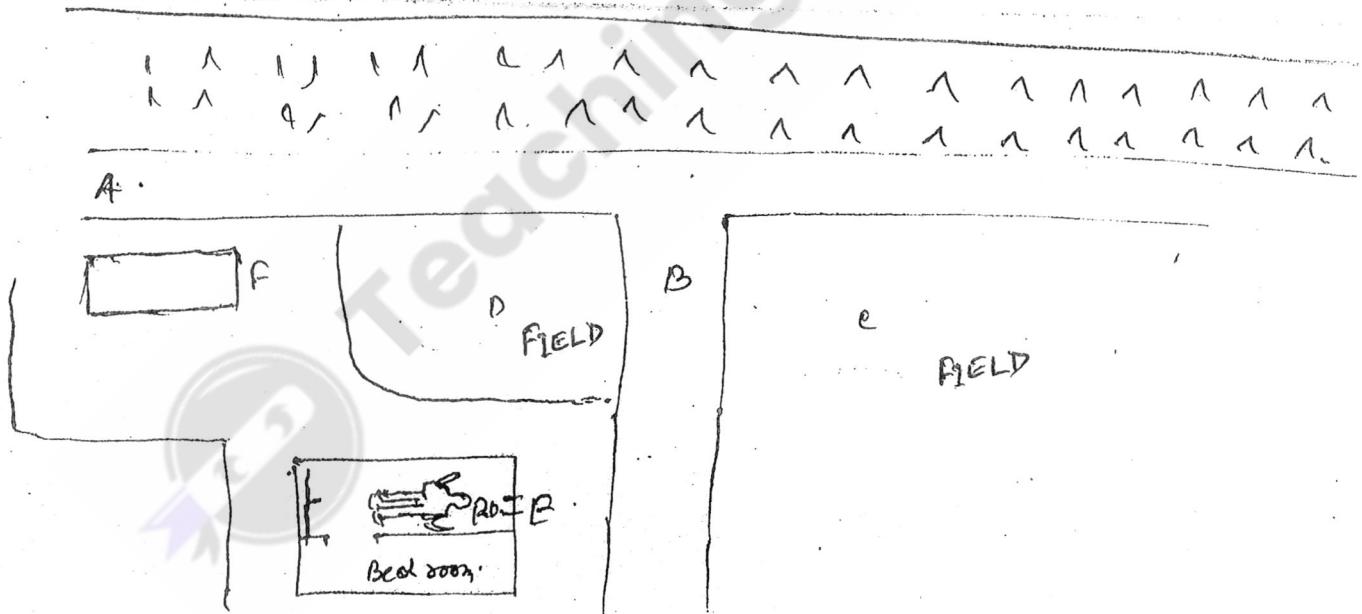
Sessions Judge

Dibrugarh

22/09/15

ROUGH SKETCH MAP OF P.O.

Sketch map of the P.O. in connection with Tingkang P.S. Case
No.16/13 u/s 302 IPC



Description of the P.O. shown in the sketch map.

- ‘A’ indicates is the kutcha road that leads to Kachmari
- ‘B’ indicates the small kutcha road that leads to the P.O.
- ‘C’ indicates the kutcha road in the west that runs by the front of the accused.
- ‘D’ indicates the field to the east of the road.
- ‘E’ indicates the P.O., i.e. the house of accused Bobo Kisko. The house is made of thatch and bamboo and it comprises two rooms. A mattress filled with straw is there in the first room and after killing Bai Kisko, her dead body was kept on the said mattress. On inspection of the said room, it could be learnt that on 13.01.13, Bobo Kisko and his second wife, in a body, strangled Bai Kisko to death by tying her to a bamboo post with a plastic rope.
- ‘F’ indicates the house of accuse Bobo Kisko some 15 yards away.

Sketch map prepared by

Sd/- S.I. M.S. Sinha

I/C Bamunbari O.P.

Ext- 5(1)

Sd/- Illegible

Sessions Judge

Dibrugarh

22/09/15

6

Sd/- Illegible

Sessions Judge

Dibrugarh

22/09/15

Seen

Sd/- Illegible

Chief Judicial Magistrate

Dibrugarh

26/04/13

Assam Schedule XL-A (Part I), Form No. 148**CHARGE SHEET**

District- Dibrugarh. Charge sheet No.- 63/13 Dt. 31/03/13

Police Station- Tingkhong. In First Information No- 16/13 Dt. 14/01/13

Name, address & occupation of COMPLAINANT

(1)

Sri Budhua Urang,
 S/o. Lt. Bijoy Urang,
 of Vill. Kochamari gaon,
 P.S.- Tingkhong,
 Dist.- Dibrugarh.

Names & addresses of accused persons not sent up for trial whether arrested or not arrested including absconders.(Show absconders in red ink)

(2)

Names and addresses of accused persons sent up for trial

custody

(3)

On bail or recognizance

(4)

1) Sri Bobo Kisko,

S/o. Lt. Jongli Kisko.

2) Sri Sunia Boraik @ Proza Kisko,

W/o. Sri Bobo Kisko,

of Kochamari,

P.S.- Tingkhong.

Property (including weapon) found with particulars of whether, when and by whom found and whether forwarded to magistrate.

(5)

M.R. No. 42/13

S/No. Nil.

Name and addresses of witnesses and what point each is called to prove.

(6)

1. Sri Budhua Urang,

S/o. Lt. Bijoy Urang.

2. Sri Ajit Hemrom,

S/o. Lt. Mohan Hemrom.

3. Sri Gouranga Patar,

S/o. Lt. Anil Patar.

4. Smti. Pakhila Kisko,

W/o. Lt. Jongli Kisko.

5. Sri Chandra Mura,
S/o. Sri Panta Mura.

6. Sri Rajen Kisko,
S/o. Lt. Jongli Kisko.

7. Sri Bihari Sutbongshi,
S/o. Lt. Bobi Sutbongshi.

8. Sri Lokhesw^{or} _{or} Tanti.
All are residence Kochamari gaon,
P.S.- TKH.

9. Dr. S.J. Deka, MBBS,
F.S.M. AMCH, DBR.

10. S.I. M.S. Sinha,
I/c. Bamunbari O.P.

Charge or information, Nature of offence and circumstances connected with
if is concise detail, and under what section of the penal code charged.

(7)

The prosecution case, in brief, is that on 14.01.13, complainant Budhua Orang, S/o-Lt. Bijay Oang, R/o- Kachmari, P.S.- Tingkhang appeared in the Out Post and informed by lodging a written ejahar that his daughter Smti Bai Orang had got married to Sri Bobo Kisko of the same village some nine years back; that said Bobo Kisko had solemnized his second marriage with Smti

Boraik some six months back; that around 7:00 p.m. on 13.01.13, Sunia Boraik and Bobo Kisko had strangled his daughter to death with a nylon rope. Upon receipt of that ejahar, a case was registered and an investigation as conducted to that effect. In the course of the investigation, accused Sri Bobo Kisko, S/o- Lt. Jungli Kisko and Sunia Boraik @ Praja Kisko of Kachmari under Tingkhang P.S., were arrested and sent to judicial custody. Since a case has been well-established against the above named accused persons for committing the offence punishable u/s 302/34 IPC, this charge sheet is being submitted to the court against them under the aforementioned provisions of law with a prayer for holding trial against them. One copy of sketch map of the P.O., one copy of seizure list, P.M. Report, Inquest Report and forwarding dead body challan are annexed herewith. The witnesses named in column 6 of this charge sheet will substantiate the veracity of the case.

Ext- 6(1)

Sd/- Illegible

Sessions Judge

Dibrugarh

06/10/15

Sd/- Mohan Sena Sinha, S.I.

Bamunbari O.P.

31/01/13

Signature of Investigating Officer

Forwarded to Honourable CJM Dibrugarh through P.I., Dibrugarh Court.

Sd/- Illegible

Officer In-Charge

Tingkhong Police Station

Dist.- Dibrugarh, Assam

24/04/13



COMMITMENT ORDER

GR 101/13

Order No.	Date	Order
	21/3/14	<p>Accused Bobo Kisko and Proza Kisko have appeared before the Court and vide Ptn No 1508/14 prayed to allow them to remain on their previous bail</p> <p>Heard and perused</p> <p>The petition is allowed. Copies of relevant documents were furnished to the accused u/s 207 CrPC. The offence involved in this case is u/s 302 of IPC which is triable exclusively by the Court of Sessions. As such I commit this case to the Honble Court of Sessions Dibrugarh. Let all the records and documents of this case be sent to the Court of Sessions</p> <p>Notify the Public Prosecutor</p> <p>Fix 4/04/14 for appearance before the Court of Sessions</p> <p style="text-align: right;">(D)</p> <p style="text-align: right;">S. M. J. M. D. S. M. J. M. D.</p>

✓ Commitment Order
dated - 21.3.2014
page 7

Schedule VIII, Form No. 247.
Court Criminal Process No. 32.

CHARGE WITH ONE HEAD

(No. XXVIII (I). Schedule V, Act V, 1838
(Section 221, 222, 223, Code of Criminal Procedure)

- (1) Name and office of
Magistrate, etc. (1) Smti. R. K. Phukan,
Sessions Judge,
Dibrugarh.
- (2) Name of accused hereby charge you (2) (1) Sri Bobo Kisko; and
person. (2) Smti. Sunia Boraik @
Smti. Proja Kisko

As follows:-

On 13-01-13, at 7:00 pm, at Kachamari Gaon,
under Tingkhong Police Station.

- (3) State the offence (3) That you committed murder intentionally causing
the death of Smti. Bai Orang in furtherance of your
common intention, and thereby committed an
offence punishable u/Ss 302/34 of the Indian Penal
Code and within (4) the cognizance of the Court of
Sessions.
- (4) My cognizance or the
cognizance of the
Court of Session.
- (5) In cases tried by
Magistrates and
"by said Court".
- And I hereby direct that you be tried (5) by the said
Court on the said charges

Charge is read over and explained to the
accused person to which they pleaded not guilty.

1; 20th day of November December, 2014.

12/11/14
Sessions Judge
Dibrugarh
Dibrugarh

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/14

DEPOSITION of **PW-1** is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the **7th day of April, 2015**.

My name is: **Sri Budhua Orang.**

My father's name is: Late Bisai Orang.

By caste:

My age is: 55 years. I reside at: Kachamari Gaon, PS- Tingkhong.

Occupation:— Dependent.

On oath.

I know all the accused persons. The incident took place about two years back. The deceased Bai Orang was my daughter. My daughter Bai Orang got married with the accused Bobo Kishko prior to three years of the alleged incident. On the day of incident, accused Bobo came to our house at about 6:00 pm and asked me to go his house. Arriving at the house of accused Bobo, I found my daughter Bai dead. I informed police about the death of my daughter. Accordingly, police went to the place of occurrence. When I arrived at the house of the accused, both of them were present there.

XXXX

My daughter got married with the accused Bobo by way of elopement about ten years prior to the alleged incident. I do not know whether my daughter used to consume alcohol or not. I did not state before police that accused Bobo Kishko went to my house and took me with him to his house. I went to the house of the accused at about 6:00 am. I cannot say who wrote the ejahar filed by me. I also do not know the contents of the ejahar lodged by me at the police station. I do not know how my daughter died.

R.O. & A.C.

S. K. Sharma
Sessions Judge,
Dibrugarh

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/14

DEPOSITION of **PW-2** is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the **7th day of April, 2015**.

My name is: **Sri Gauranga Patra**.

My father's name is: Late Anil Patra.

By caste:

My age is: 46 years. I reside at: Kekuri Gaon, PS- Tingkhong.

Occupation:— Employee of Duliajan Tea Estate.

On oath.

I know all the accused persons. I also knew the deceased. The incident took place about 1 ½ years back. When police went to the place of occurrence, I also went there. At the place of occurrence, I also saw the dead body of the deceased.

XXXX

Declined.

R.O & A.C.

10.4.15
Sessions Judge,
Dibrugarh

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/14

DEPOSITION of **PW-3** is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the **7th day of April, 2015.**

My name is: **Sri Ajit Hemron.**

My father's name is: Late Mohan Hemrom.

By caste:

My age is: 30 years. I reside at: Kekuri Gaon, PS- Tingkhong.

Occupation:— Garden worker.

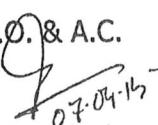
On oath.

I know both the accused persons. The incident took place about two years back. On the day of occurrence, when many persons were gathering in the house of the accused persons, I also went there. Police also arrived there. Arriving at the place of occurrence, I saw the dead body of the deceased, who was the wife of accused Bobo Kisko. Police conducted inquest over the dead body of the deceased. Ext. 1 is the Inquest Report wherein Ext. 1(1) is my signature. I do not know how the deceased died. Ext. 2 is the Seizure List wherein Ext. 2(1) is my signature.

XXXX

Police did not tell me as to why they were taking my signature on the Seizure List.

R.O. & A.C.


Sessions Judge,
Dibrugarh

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/2014

DEPOSITION of PW- 4 is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the 23rd day of June, 2015.

My name is: Sri Chandra Mura

My father's name is: Sri Kanta Mura

By caste:

My age is: 30 years. I reside at: No. 2 Tilo P. S. Tingkhong

Occupation:— Tea Garden Worker.

On oath.

I know the accused persons. Deceased Bai Kisku was the 1st wife of Bobo Kisku. About 2 year ago Bai Kisku died. I do not know as to how Bai Kisku died.

X X X

Police did not interrogated me regarding the case.

R.O. & A.C.

23/6/15
Sessions Judge,
Dibrugarh

Chandra Mura
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Takes by
23/6/15

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/2014

DEPOSITION of PW- 5 is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the 23rd day of June, 2015.

My name is: Sri Rajen Kisku

My father's name is: Sri Jongli Kisku

By caste:

My age is: 30 years. I reside at: Kasamari P. S. Tingkhong

Occupation:— Daily wages worker.

On oath.

I know the accused persons. I do not know about any incident and I also do not know that the accused had another wife named Bai Kisku.

X X X

Police did not interrogate me regarding the case. My house is situated to far from the place of incident.

R.O. & A.C.

 Sessions Judge,
 Dibrugarh

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/2014

DEPOSITION of PW- 6 is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the 23rd **day of June, 2015.**

My name is: **Smti. Pakhila Kisku**

My Husband's name is: Sri Rajen Kisku

By caste:

My age is: 32 years. I reside at: Kasamari P. S. Tingkhong

Occupation:— Tea Garden worker.

On oath.

I know the accused person Bobo Kisku who is my brother in-law. On the day of occurrence I went to the house of my parents and on getting information that Bai Kisku W/O Bobo Kisku died, I came to their house and saw the dead body. Then I came to know that she committed suicide by hanging. Police recorded my statement.

X X X

I cannot say whether the deceased or her mother used to consume alcohol. I cannot say how the deceased Bai Kisku died. Police interrogated me about the incident after one day of the incident.

R.O & A.C.

Signature
Sessions Judge,
Dibrugarh

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/14

DEPOSITION of **PW-7** is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the **21st day of July, 2015**.

My name is **Dr. Subhajyoti Deka**.

My father's Name is Late Dr. H.N. Deka.

My age is 41 years. I resides at AMC Campus, Dibrugarh, PS Dibrugarh

Occupation- Associate Professor, Department of Forensic Medicine, AMC, Dibrugarh.

On oath.

I know the signature of Dr. RK Gogoi, Professor and Head of the, Department of Forensic Medicine, AMC, Dibrugarh. On 14-07-13, post-mortem was done on the dead body of Baik Kishko, wife of Bobo Kishko in reference to Bamubiari OP GDE No. 262 dtd. 14-01-13, identified and escorted by Constable No. 805 Deep Dehingia and Rejan Kishko, brother-in-law of the deceased and found the following:

External Appearance: One female dead body of average built, dark complexion, wearing a sari, bouj and petticoat. Rigor mortis completely developed on the body. Fecal matters present around the anus. Eyes closed, mouth partially opened. Tongue is slightly protruded and bitten between the teeth. Anus and vagina are healthy.

Injuries:-

1. Abrasion 3 cm x 2 cm on the back of the left elbow;
2. Abrasion 1.5 cm x 1 cm and 1 cm x .8 cm, .7 cm apart present on the back of the right shoulder;
3. One crescentic nail mark with concavity downward present on the right cheek. 1.2 cm x .3 cm.

On examination of the neck: One continuous horizontal ligature mark 36 cm x .5 cm present on the neck which is completely encircling the neck and at the level of thyroid cartilage. The ligature mark process behind the neck with a contusion on the back of the neck 4 cm x 3 cm, congestion and petechial haemorrhage present on the margin of the neck. The ligature mark is dark, hard

and brownish in colour. On dissection, tissues underlined the ligature mark found contused.

On examination of the cranium and spinal canal: Scalp, Skull, vertebrae are healthy. Membrane congested. Brain congested. Spinal cord not dissected. On examination of the thorax: all are congested. On examination of the abdomen: Wall, peritoneum, mouth, pharynx, oesophagus are healthy. Liver, spleen, kidney congested. Stomach healthy contains partly digested rice and vegetables. Small intestine healthy and contains digested food. Large intestine healthy. Uterus healthy and empty.

OPINION:- Cause of death is asphyxia resulting from ante mortem strangulation by ligature and homicidal in nature. Approximate time since death 12-24 hours.

Ext. 3 is the Post-mortem Report wherein Ext. 3(1) is the signature of Dr. R K Gogoi. I know his signature.

XXXX

Declined.

R.O. & A.C.

Sessions Judge,
Dibrugarh

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/14

DEPOSITION of **PW-8** is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the **21st day of July, 2015**.

My name is: **Sri Lakheswar Tanti.**

My father's name is: Late Rangilal Tanti.

My age is: 44 years. I reside at: No 2 Kekuri Gaon, PS- Tingkhong.

Occupation:— Cultivation.

On oath.

I know both the accused persons. On the day of occurrence, at about 10:00 pm, when police as well as people gathered at the house of the accused, I went there to inquire as to what had happened. Arrived at the place, I saw that the wife of the accused was lying dead. Police conducted inquest over the dead body of the deceased. Ext. 1 is the Inquest-Report wherein Ext. 1(2) is my signature.

XXXX

Police did not ask me anything about the occurrence. Prior to taking my signature, police did not read over the contents of the said paper before me.

R.O. & A.C.
21/7/15
Sessions Judge,
Dibrugarh

21/7/15
21/7/15

Assam Schedule VIII, Form No. 93.

High Court Criminal Form No. (M) 83,

FORM FOR RECORDING DEPOSITION

Sessions Case No. 54/14

DEPOSITION of **PW-9** is taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1978, before me, Shri S.K. Sharma, Sessions Judge, Dibrugarh, on this the **21st day of July, 2015**.

My name is: **Sri Bihari Sutbanshi**.

My father's name is: Late Robi Sutbanshi.

My age is: 42 years. I reside at: Bamunbari No. 1 Bongali Gaon, PS- Tingkhong.

Occupation:— Daily wage earner.

On oath.

I know both the accused persons. The alleged incident took place about two years back. On the day of occurrence, at about 10:00 pm, people gathered at the house of the accused and police also arrived there. Accordingly, I went there to inquire as to what had happened. Arriving at the place, I saw the dead body of the deceased, who was the wife of the accused. I put my signature on the Ext. 2 Seizure-List. Ext. 2(2) is my signature.

XXXX

Police did not ask me anything about the occurrence. I do not know as to why police had taken my signature.

R.O. & A.C.

Session Judge,
Dibrugarh

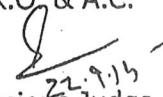
Post-mortem Report of the deceased. Finding sufficient materials against the accused, I filed Charge-Sheet against the accused under Sections 302/34 IPC. Ext. 6 is the Charge-Sheet wherein Ext. 6(1) is my signature.

XXXX

I recorded the statement of witness Sri Rajen Kisko and Sri Chandra Mura. I went to the place of occurrence for once only and on the same day, I recorded the statement of all the witnesses. I did not mention in the Inquest-Report the injury found on the dead body. On the same day, I prepared the Sketch-Map. I did not give the information of occurrence to the nearest Executive Magistrate.

It is not a fact that I did not investigate the case properly.

R.O & A.C.


Session Judge,
Dibrugarh

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Dibrugarh

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Sex _____ Case No. 54/14

Assam Schedule VII, Form No. 99

High Courts Criminal Forms No. (M) 85

FORM OF RECORDING EXAMINATION OF ACCUSED

EXAMINATION OF ACCUSED PERSON

(Section 364 of the Criminal Procedure Code)

The examination of accused Smti. Puja Liskho aged about 21 years, taken before me, Shri S.K. Sharma, Sessions/Special Judge, Dibrugarh, on the 19th day of November 2015, in the Assamese language interpreted by me, Shri S.K. Sharma, Sessions/Special Judge, Dibrugarh.

My name is Smti. Puja Liskho

My father's name is w/o Babu Liskho

I am by caste Hindu and by occupation _____

My home is at Mouza _____ Police

Station Moran District Dibrugarh I reside at
Bamunbari

P.D. No. 1

K. No. 1

✓

Question No. 1:- PW-1 Sri Budhua Orang stated that on the day of occurrence, you (Bobo) went to his house and asked him to go to your house and on arriving at your house, he found your wife Smti. Bai Orang ^{dead}. What do you have to say?

Answer:- False. Her mother had come before she died.

Question No. 2:- PW-3 Sri Ajit Hemrom, PW-6 Smti. Pakhila Kisku and PW-8 Sri Lakheswar Tanti stated that they saw the dead body in your house. What do you have to say?

Answer:- It is correct. [✓]

Question No. 3:- PW-7 Dr. Subhajyoti Deka deposed that he know the signature of Dr. RK Gogoi, Professor and Head of the, Department of Forensic Medicine, AMC, Dibrugarh. On 14-07-13, post-mortem was done on the dead body of Baik Kishko, wife of Bobo Kishko in reference to Bamubiari OP GDE No. 262 dtd. 14-01-13, identified and escorted by Constable No. 805 Deep Dehingia and Rejan Kishko, brother-in-law of the deceased and found the following injuries:

1. Abrasion 3 cm x 2 cm on the back of the left elbow;
2. Abrasion 1.5 cm x 1 cm and 1 cm x .8 cm, .7 cm apart present on the back of the right shoulder;
3. One crescentic nail mark with concavity downward present on the right cheek. 1.2 cm x .3 cm.

On examination of the neck: One continuous horizontal ligature mark 36 cm x .5 cm present on the neck which is completely encircling the neck and at the level of thyroid cartilage. The ligature mark process behind the neck with a contusion on the back of the neck 4 cm x 3 cm, congestion and petechial haemorrhage present on the margin of the neck. The ligature mark is dark, hard and brownish in colour. On dissection, tissues underlined the ligature mark found contused.

PW-7 opined that cause of death is asphyxia resulting from ante mortem strangulation by ligature and homicidal in nature. Approximate time since death 12-24 hours.

What do you have to say?

Answer:- I do not know. She committed suicide by alcohol drinking.

Question No. 4:- Do you have anything else to say?

Answer:- I am innocent. Besides the two of us (accuseds), the mother of

13

Bai was also present when she died. Bai died due to excessive drinking. Before her death, she was creating halla, which is why her mother came to our house. But other members of the household, i.e., my brothers ^{in laws} were not present.

Question No. 5:- Do you want to give defence evidence?

Answer:- No.

The above examination was taken in my presence and hearing and contains a full and true account of the statement made by the accused.


19.11.15
Sessions Judge,
Dibrugarh

AGP.(VIII)F.99 No.

Par
Kewal
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C

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603. Case No. 54/14

Assam Schedule VII, Form No. 99

High Courts Criminal Forms No. (M) 85

FORM OF RECORDING EXAMINATION OF ACCUSED**EXAMINATION OF ACCUSED PERSON**

(Section 364 of the Criminal Procedure Code)

The examination of accused Babu Linko
 aged about 32 years, taken before me, Shri S.K. Sharma, Sessions/Special
 Judge, Dibrugarh, on the 19th day of November 2015
 2015, in the Assamese language interpreted by me, Shri
 S.K. Sharma, Sessions/Special Judge, Dibrugarh.

My name is Shri. Babu Linko

My father's name is Late Jangli Linko

I am by caste Hindu and by occupation Labour

my home is at Mouza _____ Police

Station Moran District Dibrugarh I reside at
Bamunbali,

Question No. 1:- PW-1 Sri Budhua Orang stated that on the day of occurrence, you (Bobo) went to his house and asked him to go to your house and on arriving at your house, he found your wife Smti. Bai Orang. What do you have to say?

Answer:- False. Her mother had come before she died.

Question No. 2:- PW-3 Sri Ajit Hemrom, PW-6 Smti. Pakhila Kisku and PW-8 Sri Lakheswar Tanti stated that they saw the dead body in your house. What do you have to say?

Answer:- It is correct ✓

Question No. 3:- PW-7 Dr. Subhajyoti Deka deposed that he know the signature of Dr. RK Gogoi, Professor and Head of the, Department of Forensic Medicine, AMC, Dibrugarh. On 14-07-13, post-mortem was done on the dead body of Baik Kishko, wife of Bobo Kishko in reference to Bamubiari OP GDE No. 262 dtd. 14-01-13, identified and escorted by Constable No. 805 Deep Dehingia and Rejan Kishko, brother-in-law of the deceased and found the following injuries:

1. Abrasion 3 cm x 2 cm on the back of the left elbow;
2. Abrasion 1.5 cm x 1 cm and 1 cm x .8 cm, .7 cm apart present on the back of the right shoulder;
3. One crescentic nail mark with concavity downward present on the right cheek. 1.2 cm x .3 cm.

On examination of the neck: One continuous horizontal ligature mark 36 cm x .5 cm present on the neck which is completely encircling the neck and at the level of thyroid cartilage. The ligature mark process behind the neck with a contusion on the back of the neck 4 cm x 3 cm, congestion and petechial haemorrhage present on the margin of the neck. The ligature mark is dark, hard and brownish in colour. On dissection, tissues underlined the ligature mark found contused.

PW-7 opined that cause of death is asphyxia resulting from ante mortem strangulation by ligature and homicidal in nature. Approximate time since death 12-24 hours.

What do you have to say?

Answer:- I do not know. She committed suicide by alcohol drinking.

Question No. 4:- Do you have anything else to say?

Answer:- I am innocent. Besides the two of us (accuseds), the mother of

Bai was also present when she died. Bai died due to excessive drinking. Before her death, she was creating halla, which is why her mother came to our house. But other members of the household, i.e., my brothers were not present.

Question No. 5:- Do you want to give defence evidence?

Answer:- No.

The above examination was taken in my presence and hearing and contains a full and true account of the statement made by the accused.


Sessions Judge
Dibrugarh

AGP.(VIII)F.99No.

✓ 71
abu baba
taken by
Date/15