

AJS, G-I MAIN EXAM, 2011
ENGLISH & GENERAL KNOWLEDGE
 GRADE - I

PAPER - I

Duration : 3 Hours.
 Total Marks: 100

PART – A

1. Write an essay on: 25
 " Judicial backlog : causes and remedies"
 or
 " Destination Northeast".

2. **Read the following passage and answer the questions that follow the passage :**

Sometimes Helen rose at dawn and stole into the garden while the heavy dew lay on the grass and flowers. Few know what joy it is to feel the roses pressing softly into the hand, or the beautiful motion of the lilies as she sways in the morning breeze. Sometimes she caught an insect in the flower she was plucking, and felt the faint noise of a pair of wings rubbed together in a sudden terror, as the little creature became aware of a pressure from without.

Another favourite haunt of her was the orchard, where the fruit ripened early in July. The large, downy peaches would reach themselves into her hand, and as the joyous breezes flew about the trees the apples tumbled at her feet. Oh, the delight with which she gathered up the fruit in her pinafore, pressed her face against the smooth cheeks of the apples, still warm from the sun, and skipped back to the house!

Her favourite walk was to Keller's Landing, an old tumble-down lumber-wharf on the Tennessee River, used during the Civil War to land soldiers. There she spent many happy hours and played at learning geography. She built dams of pebbles, made islands and lakes, and dug river-beds, all for fun, and never dreamed that she was learning a lesson. She listened with increasing wonder to Miss Sullivan's descriptions of the great round world with its burning mountains, buried cities, moving rivers of ice, and many other things as strange. Miss Sullivan made raised maps in clay, so that she could feel the mountain ridges and valleys and follow with her fingers the devious course of rivers. She liked this, too ; but the division of the earth into zones and poles confused and teased her mind. The illustrative strings and the orange sticks representing the poles seemed so real that even to this day the mere mention of temperature zone suggests a series of twine circles ; and She believes that if any one should set about it he could convince her that white bears actually climb the North Pole.

2.1 Give answer(s) in a single sentence to each question(s) : 8 X 1 = 8

- (i) What would Helen sometimes do at dawn ?
- (ii) What did Helen feel, taking an insect in her hand ?
- (iii) What was one of the favourite haunts of Helen ?
- (iv) "She gathered up the fruit in her pinafore".
- Which fruit is referred to here ?
- (v) What did Helen do with the apples ?
- (vi) What did Helen learn through fun and play ?
- (vii) What was confusing to Helen ?
- (viii) How could Helen follow the winding course of rivers ?

2.2 Give short answer(s) in maximum 3 sentences : 4 X 3 = 12

- (i) What does Helen say about the insect she caught while plucking flowers?
- (ii) What does Helen say about the orchard ?
- (iii) How did Helen learn lessons in geography from Miss Sullivan ?
- (iv) How did Helen learn about the geographical divisions of the earth ?

3. Each of the following sentences or phrases is followed by five alternatives one of which best describes in brief, the meaning of the sentence or phrase. Give the correct answer(s). 5 X 1 = 5

- 3.1 A person who does not believe in the existence of God -
- (a) Irreligious (b) Non-believer.
 - (c) Atheist (d) Non-conformist. (e) Theist.

- 3.2 A medicine to cause vomiting -
- (a) Emetic (b) Anodyne
 - (c) Opiate (d) Narcotic (e) Antidote.

- 3.3 A person who compiles a dictionary -
- (a) Author (b) Grammarian
 - (c) Linguist (d) Lexicographer (e) Choreographer

- 3.4 Travelling under a name other than one's own -
- (a) Incognito (b) Sinecure
 - (c) Recluse (d) Refugee (e) Expatriate

- 3.5 Confinement to one place to avoid spread of infection -
- (a) Quarantine (b) Postulation
 - (c) Isolation (d) Seclusion (e) Sequestering

4. Each of the following words is followed by five words one of which is its opposite in meaning. Specify the word which you find most nearly opposite in meaning. 5 X 1 = 5

- 4.1 **Belittle**
- (a) Detect (b) Disparage
 - (c) Exaggerate (d) Detract (e) Heckle

- 4.2 **Despicable**
- (a) Worthy of esteem (b) Inevitable
 - (c) Incapable (d) Steering (e) Featureless

4.3 **Haggard**

- (a) Inspired (b) Plump
(c) Shrewd (d) Maidenly (e) Pleasant

4.4 **Centrifugal**

- (a) Ephemeral (b) Lasting
(c) Barometric (d) Centripetal (e) Extravaganza

4.5 **Prodigal**

- (a) Thrifty (b) Consistent
(c) Compatible (d) Errant (e) Wandering

5. In the following test, you should choose the one word whose meaning is closest to the given word. **5 X 1 = 5**

5.1 **Vexed**

- (a) Annoying (b) Recurring
(c) Unresolvable (d) Complex (e) Dangerous

5.2 **Sagacious**

- (a) Contumacious (b) Illustrative
(c) Wise (d) Benevolent (e) Benign

5.3 **Candid**

- (a) Irritable (b) Tricky
(c) Intriguing (d) Guileless (e) Considerate

5.4 **Taciturn**

- (a) Communicative (b) Reticent
(c) Garrulous (d) Prolix (e) Voluble

5.5 **Obstinate**

- (a) Stubborn (b) Indifferent
(c) Pliable (d) Changeable (e) Haughty

PART – B

Give the correct answer. (Do not write the question) 40X 1 = 40

- Hillary Clinton who was in India recently is the US Secretary of -
(a) Commerce (b) State
(c) Treasury (d) Defence (e) None of these
- Recently the term 3G was very much in news and even a conference on it was organized in India. What is the letter 'G' denotes in 3G?
(a) Grade (b) Group
(c) Global (d) Guild (e) Generation
- Which of the following terms is used in banking and finance ?
(a) Abiotic (b) Demand deposit
(c) Fat scales (d) A diabetic (e) Cathode
- Which of the following is a food crop ?
(a) Maize (b) Cotton
(c) Palm (d) Jute (e) Jatropha

5. Names of which of the following rates/ratios cannot be seen in financial newspapers ?
 (a) Bank Rate (b) Repo Rate
 (c) Cash Reserve Ratio (d) Pulse Rate (e) Statutory Liquidity Ratio
6. Which of the following is the Chemical name of the salt we use in our kitchen ?
 (a) Calcium Carbonate (b) Calcium Chloride
 (c) Sodium Carbonate (d) Sodium Chloride (e) Ammonium Sulphate
7. The Judges of the Supreme Court of India now retire at the age of
 (a) 58 years (b) 60 years
 (c) 62 years (d) 65 years (e) 68 years
8. Sushil Kumar who won a Gold Medal at an international event is a famous
 (a) Wrestling champion (b) Golf player
 (c) Table Tennis Player (d) Weightlifter (e) None of these
9. A Call Centre is -
 (a) A place where salesmen meet every day
 (b) A Training Centre
 (c) A Back Office set-up where customer queries are answered
 (d) Customers' meeting place
 (e) All of these
10. ATM means -
 (a) Any time Marketing (b) Any time Money (c) Any time Machine
 (d) Automatic Teller Machine (e) Automatic Teller Money
11. If your allowance was a Rs.1 and it is doubled everyday, how many days would it take for you to have over Rs.35 ?
 (a) 6 days (b) 7 days
 (c) 9 days (d) 10 days (e) 11 days
12. Which of the following conductors is used in heating elements ?
 (a) Tungsten (b) Carbon
 (c) Copper (d) Nichrome (e) None of these
13. Stethoscope : Heartbeat :: ? : Temperature
 (a) Heat (b) Mercury
 (c) Scale (d) Thermometer (e) None of these
14. BYW : DWU :: FUS : ?
 (a) ESQ (b) GST
 (c) HSQ (d) EST (e) None of these
15. Sarkaria Commission was constituted to give its report on
 (a) New Pay Scales for the Government servants
 (b) Centre-State relations
 (c) Ram Janmabhoomi – Babri Masjid dispute
 (d) Kaveri dispute
 (e) None of these.
16. Which of the following Articles of the Constitution deals with the Fundamental Duties ?
 (a) Article 39 C (b) Article 51 A
 (c) Article 29 B (d) Article 49 (e) None of these

17. Among the tax revenues of the Union Government, the most important source is -
 (a) Income tax (b) Customs Duty (c) Corporation Tax
 (d) Union Excise duties (e) None of these
18. Where is the satellite launching centre of India located ?
 (a) Ahmedabad (b) Hassan
 (c) Sriharikota (d) Thumba (e) None of these
19. When did India join the United Nations ?
 (a) 1945 (b) 1947
 (c) 1950 (d) 1954 (e) 1955
20. On imprisonment in 1908 by the British, Bal Gangadhar Tilak was sent to
 (a) Andaman and Nicobar (b) Rangoon
 (c) Singapore (d) Mandalay (e) None of these
21. The animal which can tolerate more summer heat is
 (a) Buffalo (b) Cow
 (c) Goat (d) Deer (e) Donkey
22. Chocolates can be bad for health because of a high content of
 (a) Zinc (b) Nickel
 (c) Lead (d) Cobalt (e) None of these
23. Cooking gas is a mixture of
 (a) methane and ethylene (b) Carbon dioxide and Oxygen
 (c) butane and propane (d) Carbon monoxide and carbon dioxide
 (e) None of these
24. Grammy Award is given in the field of
 (a) Literature (b) Music
 (c) Science (d) Inventions and Discoveries (e) Sports
25. Which river is most important in terms of Inland waterway ?
 (a) Amazon (b) Mississippi
 (c) Rhine (d) Hoogly (e) Brahmaputra
26. India's political relations with its neighbouring countries are a critical part of its-
 (a) Industrial policy (b) Trade policy (c) Foreign policy
 (d) Development policy (e) None of these
27. In the terms of economics, the recession occurring two times with a small gap in between is known as -
 (a) Double Deflation (b) Deflation
 (c) Deep Recession (d) Double Dip Recession (e) None of these
28. Normally Bank accept fixed deposit for a maximum period of -
 (a) 5 years (b) 3 years
 (c) 10 years (d) 20 years (e) Any number of years
29. Which one of the following is not a salient feature of debit card ?
 (a) No bad debts to banks and no suits for recovery
 (b) No interest earning for banks
 (c) Works like a normal withdrawal

- (d) All the above
(e) 45 days credit is given to the card holder
30. Which department of the Government has completed its 150 years in 2010 ?
(a) Income Tax (b) Customs Excise Duty
(c) Post and Telegraph (d) Television and Broadcasting
(e) None of these
31. Loans/advances to farmers is treated as -
(a) Personal Loans (b) Priority Sector Loan
(c) Business Loan (d) Corporate Loan (e) None of these
32. When the loan is granted for purchase of white goods it is called -
(a) Consumption loan (b) White goods loan
(c) Consumer durable loan (d) All the above (e) None of the above
33. The of software contains lists of commands and options
(a) menu bar (b) title bar
(c) formula bar (d) tool bar (e) None of these
34. An example of a telecommunications device is a -
(a) Keyboard (b) Mouse
(c) Printer (d) Modem (e) None of these
35. Which device can understand difference between data and programs ?
(a) Input device (b) Output device
(c) Memory (d) Microprocessor (e) None of these
36. Computers use the number system to store data and perform calculations.
(a) binary (b) octal
(c) decimal (d) hexadecimal (e) None of these
37. The person who writes and tests computer programs is called a
(a) Programmer (b) Computer Scientist
(c) Software engineer (d) Project developer (e) None of these
38. Who is elected as the new IMF Chief -
(a) Ms. Christine Lagarde (b) Mr. Dominique Strauss-Kahn
(c) Ban Ki-moon (d) Sepp Blatter (e) None of these
39. Who won the women's singles final in the recent Wimbledon 2011
(a) Maria Sharapova (b) Petra Kvitova
(c) Iveta Benesova (d) Kveta Peschke (e) Katarina Srebotnik
40. Who is the current Law Minister of India
(a) Mr. M. Veerappa Moily (b) Mr. Kapil Sibal
(c) Mr. Salman Khursheed (d) Dr. M.S. Gill (e) Mr. Murli Deora

**Main Examination (2011) for Recruitment of Grade-I of
Assam Judicial Service**

LAW PAPER-II

Time-3 hours

Total Marks-100

(Attempt all questions)

1. Answer the following questions by giving reasons in about 3/4 sentences with reference to the relevant provisions of law. 20×3 = 60
- (i) **Rajib**, the owner of a plot of land, transfers the same to **Mukut** in trust for himself and his intended wife **Madhu** successively for their lives, and, after the death of the survivor, the eldest son of the intended marriage for life, and, after his death for **Rajib's** 2nd son.
- Whether the interest so created for the benefit of the eldest son does take effect?
- (ii) **Ram**, who has separated from his father and partitioned the property, sales a plot of land to **Jadu** representing that he is authorized to transfer the same, though that property did not fall in his share on partition. After such sale **Ram's** father died leaving **Ram** as the sole heir.
- Whether **Jadu**, who has not rescinded the contract of sale, will acquire any right over such property and can ask **Ram** to deliver the property to him?
- (iii) **X** took a sum of Rs.10,000/- in cash from **Y** and handed over the possession of a landed property to **Y** by executing a document to the effect that **Y** and his heirs would be entitled to use and enjoy the property and in case **X** fails to repay the said amount within a period of 5(five) years, neither he nor his heirs will have any right to take back the said property.
- Whether by executing such document a mortgage by conditional sale has been created?
- (iv) **X** orally leased out his immovable property in favour of **Y** for agricultural purpose. **X** subsequently wanted to terminate the lease and take possession of the property.
- Whether such lease is terminable, if so how?
- (v) The Sessions Judge granted a person the privilege of anticipatory bail in an offence alleged to have been committed by him which is punishable under Section 376A of the Indian Penal Code, which is bailable offence.
- Whether such order is valid, if not, the reason therefor?
- (vi) An order was passed by the criminal court forfeiting the bonds of Rs.1,00,000/- each executed by two sureties for production of the property under Section 446 of the Code of Criminal Procedure and issued notice to the sureties why the penalty of Rs.1,00,000/- on each of the sureties be imposed. The sureties entered appearance and claimed to share the said amount of Rs.1,00,000/- by both of them in equal proportion.
- Whether such prayer can be allowed?
- (vii) A person is convicted of an offence attended by criminal force or by criminal intimidation. The Court finds that any other person has been dispossess of any immovable property by such force or intimidation.
- What order the Court can pass in that event?
- (viii) **A** is accused of an offence under Section 277 IPC the maximum punishment for which is for imprisonment for 3 months or fine of Rs.500/- or both. Such offence was committed on 01.01.2010. The Court took cognizance of the offence on 01.03.2011.
- Whether such order taking cognizance is valid in law, if not, why?

- (ix) The decree holder executed the decree for recovery of khas possession. In an appeal preferred thereafter by the judgment debtor the decree was set aside.

How the judgment debtor can recover the possession of the property?

- (x) X obtained a decree in respect of an immovable property against Y and put the same in execution. Z purchased the property at a sale in the execution of the decree. A dispute was thereafter, arose relating to the execution of the decree.

Whether such dispute is to be resolved by filing a separate suit?

- (xi) X obtained an ex-parte decree against Y on 1st January, 2010, which was put into execution immediately thereafter. The bailiff went to execute the writ of delivery of possession on 1st June, 2011. The judgment debtor on 29th June, 2011 filed an application under Order IX Rule 13 CPC for setting aside the decree. The decree holder objected the application contending that it is not maintainable.

Whether such an application can be entertained?

- (xii) Mukul instituted a suit against Arun in the Court of the Civil Judge for declaration of right, title and interest in respect of an immovable property, where summons were issued and served on Arun on 1st June, 2009. Arun could not file the written statement within 90 (ninety) days from the date of service of summons. He, however, filed the written statement on 1st December, 2009 together with an application to accept the same.

Whether the Court can accept the same after expiry of 90 (ninety) days from the date of service of summons?

- (xiii) An application seeking review of a judgment has been filed on the ground that the judgment of the Supreme Court, on the basis of which the Trial Court passed the judgment, has subsequently been reversed in another case.

Whether the judgment can be reviewed on that ground?

- (xiv) Plaintiff sues the defendants for recovery of Rs.1,00,000/-. In order to prove the case, the plaintiff proved the entries in his books of account showing the defendant to be indebted to him to the said amount.

Whether such entries in the books of account are relevant and sufficient to prove debt?

- (xv) A instituted a proceeding for grant of probate of a Will. A apart from examining himself also adduce the evidence of the scribe of the Will to prove its due execution. No attesting witness however was examined, as none of them can be found, though Section 68 of the Evidence Act requires examination of at least one attesting witness to prove due execution of a Will.

Whether non-examination of one of the attesting witnesses is fatal? If not, what the propounder of the Will is required to prove.

- (xvi) A woman had committed suicide within 7 years from the date of her marriage. There is evidence that her husband had subjected to her to cruelty.

Whether the Court can convict the husband on presumption that such suicide had been abated by him, when in criminal jurisprudence the guilt of the accused is required to be proved by the prosecution and beyond all reasonable doubts?

- (xvii) A, on 31.12.1989, filed a suit for recovery of a sum of Rs.20,000/- from B, which was taken by B as loan on 01.01.1986 contending that B on 01.04.1989 acknowledges such debt in writing.

Whether the suit filed by A is within the period of Limitation and as such maintainable?

(xviii) **Ramen** applies for a loan in State Bank of India at a time when there is stringency in the money market. The banker agrees to give the loan only at an unusually high rate of interest. **Ramen** having no alternative accepts the loan on those terms.

Whether the contract is valid?

(xix) A trader delivers certain goods at **A's** house by mistake though no such order was placed. **A** treats the goods as his own and appropriated the same.

Whether the trader can realize the price of the goods from **A**?

(xx) **Rahim**, a Muslim by faith, gifted his immovable property to **Abdul** orally, which was accepted by **Abdul's** wife on his behalf. The possession of the property, however, was not delivered to the donee by the donor.

Whether it is a valid gift under Mahomedan Law?

2. Choose the correct option.

10×1 = 10

(i) For raising the plea of part performance there must be-

- (a) oral contract,
- (b) written contract without possession,
- (c) oral contract for consideration,
- (d) written contract with possession.

(ii) Lease of immovable property for manufacturing purpose, in the absence of written contract or local uses, can be terminated by giving-

- (a) 12 months notice,
- (b) 15 days notice,
- (c) 1 month notice,
- (d) 6 months notice.

(iii) The objection relating to the place of suing can be raised-

- (a) In the appellate Court,
- (b) In the revisional Court,
- (c) In the Court where such suit is filed at any stage of the suit,
- (d) Before settlement of issues in the Court where suit is filed.

(iv) A decree for partition of an undivided estate assessed to the payment of revenue to the Government shall be made by-

- (a) the Deputy Commissioner,
- (b) the Civil Court,
- (c) the Court which passed the decree,
- (d) the Collector.

(v) Which of the following property cannot be attached and sold in execution of a decree-

- (a) necessary wearing apparel of the judgment debtor,
- (b) tools of artisans,
- (c) books of accounts,
- (d) all the above.

(vi) Suit against a Government can be instituted on expiration of-

- (a) two months next after the date of issuance of notice,
- (b) two months next after the notice is delivered,
- (c) two months next after the cause of action arose,
- (d) none of the above.

- (vii) A suit can be decided on a preliminary issue, when such issue relates to-
- jurisdiction of the Court,
 - bar to the suit created by Limitation Act,
 - question of fact apparent on the face of the record,
 - all the above.
- (viii) The decree in terms of the judgment is to be drawn within-
- within 15 (fifteen) days from the date of the judgment,
 - within 1 (one) month from the date of the judgment,
 - within 3 (three) months from the date of the judgment,
 - within 1 (one) week from the date of the judgment.
- (ix) Suit for possession of immovable property based on title is to be filed within 12 years from the date-
- of dispossession,
 - of purchase,
 - when the possession of the defendant becomes adverse to the plaintiff,
 - none of the above.
- (x) A person, not being an Indian citizen, can be tried in India for the offence committed-
- On high seas or elsewhere,
 - On any ship registered in India,
 - On any aircraft coming to India but not registered in India,
 - None of the above.

3. Indicate whether the following statements are correct or incorrect:

30×1=30

- A person cannot be the natural guardian of a Hindu minor, if he has ceased to be a Hindu.
- Natural guardian of a Hindu minor can mortgage the immovable property of the minor for minor's welfare even without the permission of the Court.
- The property of a male Hindu dying intestate shall first devolve on the sons and daughters and in their absence on the widow.
- The property possessed by a female Hindu shall not be held by her as full owner thereof.
- The property of a female Hindu dying intestate shall devolve firstly upon the sons and daughters and in their absence on the husband.
- The heirs related to an intestate by full blood shall be preferred to heirs related by half blood in the matter of succession under Hindu Succession Act, if the nature of relationship is the same in every other respect.
- A child in the womb at the time death of an intestate and who subsequently born alive cannot inherit the property of the intestate.
- No presumption under the Hindu Marriage Act, 1955 can be drawn that they live as husband and wife even if they are living under the same roof and cohabiting for a number of years, unless a valid marriage is solemnized under the said Act.
- A decree for restitution of conjugal rights passed under the Hindu Marriage Act cannot be executed.
- The Court can pass a decree for judicial separation on a petition for dissolution of marriage filed under the Hindu Marriage Act in certain circumstances.
- A petition for dissolution of marriage by a decree of divorce under the Hindu Marriage Act can be filed and entertain by a Court at any time.
- No Court can pass any order under the Arbitration and Conciliation Act, 1996 before commencement of an arbitral proceeding before the Arbitrator.
- The power of appointment of arbitrator under the Arbitration and Conciliation Act, 1996 vest on the Chief Justice, in the event of failure of the parties to agree on a procedure for appointing the Arbitrator.

- (xiv) In a contract between two persons, who are Indian nationals, no person who is not an Indian can be appointed as arbitrator under any circumstances.
- (xv) The Arbitral Tribunal cannot pass any interim order during pendency of the arbitral proceeding.
- (xvi) An application under Section 34 of the Arbitration and Conciliation Act, 1996 has to be filed within 3 months from the date of receipt of the arbitral award by the party making the application, which period however can be extended by the Court for a further period of 60 days only.
- (xvii) An instrument of gift of immovable property of the value of less than Rs.100/- is compulsorily registerable under the Registration Act, 1908.
- (xviii) A document registered under the Registration Act, 1908 shall operate from the time, which it would have commenced to operate if no registration in respect of such document had been required or made, and not from the time of its registration.
- (xix) A contract which is in its nature determinable cannot be specifically enforced in law.
- (xx) Specific performance of a contract can be enforced in favour of a person even if he is not entitled to recover compensation for its breach.
- (xxi) In a suit the Court can grant temporary injunction even if there is no prayer for permanent injunction.
- (xxii) In a suit for declaration and consequential relief, the amount of Court fee payable shall be computed according to the amount at which the relief sought is valued in the plaint.
- (xxiii) In a suit for declaration of right, title and interest and recovery of khas possession of land, which forms an entire estate paying annual revenue to Govt. and such revenue is permanently settled, 10 times of the revenue so payable is required to be paid as Court fee.
- (xxiv) In determining the amount of compensation to be awarded for the land acquired under the Land Acquisition Act, 1894, the Court is to take into consideration, apart from others the market value of the land at the date of passing of the award by the Collector under Section 11 of the said Act.
- (xxv) The Court can award compensation for acquisition of the land under the Land Acquisition Act, 1894 less than the amount awarded by the Collector under Section 11.
- (xxvi) The Collector's decision relating to the dispute as to apportionment of compensation under the Land Acquisition Act is final.
- (xxvii) The Labour Court in a reference made under the Industrial Dispute Act, 1947 cannot substitute the order of dismissal of a workman from service by a lesser punishment.
- (xxviii) An application for compensation under Section 166 of the Motor Vehicles Act, 1988 can be filed by an agent authorized by the person injured.
- (xxix) The application for compensation under Section 166 of the Motor Vehicles Act, 1988 has to be filed within 1(one) year from the date of the accident.
- (xxx) The claims tribunal can award interest under Section 171 of the Motor Vehicles Act, 1988, on the amount of compensation awarded, from the date of the accident.

Main Examination (2011) for Direct Recruitment to Grade- I of Assam

Judicial Service.

Paper- III

Time:- 3 hours

CONSTITUTIONAL LAW

Answer any six questions. (5 x 6 = 30 Marks)

1. Distinguish between *public law domain* and *private law domain* in the realm of writ jurisdiction. In the light of judicial precedents, whether a High Court is empowered to grant, in exercise of its writ jurisdiction under Article 226 of the Constitution of India, compensation or not? Refer to authorities to illustrate your answer.
2. (a) "The term "authority", used in Article 226, must receive a liberal meaning unlike the term State in Article 12." Do you agree with the statement? Give reasons for your answer
(b) Is judiciary included within the meaning of the expression "State", which appears in Article 12 of the Constitution of India ?
3. "The doctrine of basic structure has established judicial supremacy in the area of constitutional amendment." Examine the statement in the light of the Supreme Court's decision in L. Chandra Kumar Vs Union of India (AIR 1997 SC 1125). Does *secularism* form part of the basic structure of the Constitution of India ?
4. Write short note: (Any two)
(a) Rule of mischief

(b) Doctrine of pith & substance.

(c) Doctrine of colourable legislation.

5. The State M passed a comprehensive Act to deal with insurgency. Under the provisions of that Act, the procedure, for trial of the accused, involved in insurgency and found in possession of firearms, was made more stringent inasmuch as certain statutory presumptions against the accused were created and the Act prescribed establishment of Special Courts for trial and the right of the accused to anticipatory bail for such offences was also done away with. K, a militant, was tried and convicted by the Special Court. He challenges the conviction and the creation of the Special Court on the ground that the Act infringes Article 14 of the Constitution. Discuss the principles of Article 14 and decide.
6. By making a writ petition under Article 226 of the Constitution of India, B challenged the validity of an Act passed by the State legislature, where under the State government was empowered to take over the control of the management, administration and governance of a famous temple K, and it appropriated to the State government the power to appoint priests. The challenge was made by B on the ground that the Act infringed the fundamental right to freedom of religion guaranteed under Article 25. You are the advocate for the State government. What would be your submissions before the High Court?

7. (a) Whether the right to fly the National Flag at one's residence is a fundamental right of every citizen guaranteed under Article 19 of the Constitution of India or is a statutory right governed by Flag Code? Give reasons for your answer.
- (b) Critically examine the statement, "The High Court is Constitutionally independent of the Supreme Court".

JUISPRUDENCE:

Answer any two questions:..

5 x 2 = 10 Marks

8. Do you agree with Austin's proposition, "Every law or rule properly so called is a command or species of command". Is the proposition universal or are there any limitations? If so, what are the limitations ?
9. Explain the doctrine of *stare decisis*? Whether the Supreme Court is bound by its own decisions? Illustrate with special reference to the concept of curative petitions.
10. Do Judges make law? Why *common law* is known as judge-made law ?
Give reasons for your answer.

Judgement writing

11. Write a Judgement:-

60 marks (Paper Book enclosed)

PAPER BOOK

FIRST INFORMATION REPORT

To

The Officer in Charge
Barkhola Police Station, Cachar

Complainant: Shri Jati Bagti, S/o.- Lt. Jayanta Bagti, resident of
Dhalchara, tea garden, P.S.- Bardala, Dist.- Cachar.

Sir,

Humble submission is that at about 8 O'clock last night Bangla Bagti killed his father (my paternal uncle) Ananta Bagti by hacking him in his head with a dao. The dead body is still lying in his courtyard. I, therefore, request you to take necessary steps after investigating into the incident.

Be it stated that assailant Bangla Bagti has been apprehended with the help of the Village Defence Party.

Ext. 3 (2)

Sd/- Illegible

Addl. Dist. & Sess. Judge, FTC

Cachar, Silchar

Yours faithfully

LTI of Sri Jati Bagti

By the hand of Manoranjan Nath

Dhalchara tea garden

16.6.2001

Written by:

Shri Manoranjan Nath

Jaialtola Bazar

16.6.2001

Received and Registered Borkhola P.S. Case No. 89/2001 U/S 302 IPC

Ext. 3(1)

Sd/- Sanowar Ali Borbhuiyan SI

Sd/- Illegible

Officer in Charge

Addl, Dist. & Sess. Judge, FTC

Borkhola P.S.

Cachar, Silchar

16.6.2001

ASSAM SCHEDULE VIII, FORM NO. 247
HIGH COURT CRIMINAL PROCESS NO. 32
Sessions Case No. 85/2001.

CHARGE WITH ONE HEAD

(No. XXVIII (I), Schedule V, Act V, 1838)

(1) Name and office of Magistrate etc. (1) I Shri ABC, Addl. Sessions Judge

Cachar, Silchar

(2) Name of accused person hereby charge you (2) Bangla Bagti

as follows:-

That you on or about the 15.6.2001 at about 8 P.M. at Dhalcherra Bagan under Borkhola Police station, intentionally caused death of Ananta Bagti by means of a sharp weapon.

(3) State the offence

(3) and thereby committed the offence under Section 302 I.P.C. within the cognizance of the court of Sessions.

(4) My cognisance or Court of Session.

(5) In Case tried by Magistrates and by said said Court

And I hereby direct that you be tried (5) by this Court on the said charges

Dated this

7th day of April 2005.

Sd/- Illegible
Magistrate
Addl. Sessions Judge
Cachar, Silchar

The charge is read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

Sd/- Illegible
Addl. Sessions Judge
Cachar, Silchar

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE
CACHAR, SILCHAR

G.R.CASE NO. 1462/01

STATE

-VS-

Bangla Bagti

COMMITMENT ORDER

Dated: 7.11.01

Accused is produced before me from the Judicial Custody. Copies supplied on 29.10.2001 by in charge officer of this court as I was absent on that date.

I have perused the Case record carefully. Charge Sheet has been submitted against the accused for commission of alleged offence U/S 302 IPC. The offence U/S 302 IPC is exclusively triable by the Court of Session.

Commit the case record to the Court of the Hon'ble Sessions Judge and notify the Ld. Public Prosecutor. Produce the accused before the Court of Hon'ble Sessions Judge on next date fixing 20.11.2001.

Sd/- Illegible

ASSAM SCHEDULE VIII, FORM NO. 93.

HIGH COURT FORM NO. (M) 83.

FORM FOR RECORDING DEPOSITION

THE DEPOSITION ofP.W.1.....
Aged about...40 years taken in Oath or solemn affirmation under provision of the Indian Oaths Act of 1378, before me.....Shri A B C, Addl. Sessions Judge, Cachar, Silchar.....
This...07.05.05...day ofof.....
My name is.....Jyoti Bagti.....
My father's name isLate Jayanta Bagti.....
I am by caste..... My house is at Mauza.....Dhalcherra Tea Estate Police Station.....Borkhola.....District.....Cachar.....
I reside at present in Mauza.....Police StationBorkhola..... District.....Cachar.....Where I am Tea garden labour.
On S. A.

I am the informant of this case. The deceased Ananta Bagti was my paternal uncle. Accused Bangla Bagti is my cousin. We reside in the same locality. About ¼ years ago in a night at about 9 p.m. the occurrence took place in the house of deceased Ananta Bagti. At that time I was in the market. When I

returned from market I heard from people that my mother is crying and, on enquiry, my mother told me that accused Bangla Bagti killed my paternal uncle and I saw my paternal uncle Ananta Bagti is lying near his court yard and I noticed cut injury in his person. I saw accused Bangle Bagti at the P.O. Thereafter I informed the Members of the Tea Garden regarding the occurrence and informed the Sahab of the garden and the Sahab informed in the P.S. regarding the occurrence. I submitted FIR at P.S. by putting my thumb impression. Thereafter police came to the P.O. and the accused was handed over to police by the neighbouring people who apprehended him. Police seized a dao from the possession of accused in our presence which was handed over to police by accused. My mother reported the matter to othe villagers.

Cross xxxxxxxxxxxxxxxx

I did not state before police from when I heard about the occurrence. I cannot say the Bengali month of the date of occurrence but it may be the month of Ashar. There is no electric light in our residence. The deceased Ananta Bagti had one brother by name Srimanta Bagti. Srimanta Bagti lives separately with his family members in separate house. There are five residences near our house. At the time of occurrence some people of the locality was in the market and some arrived their home after marketing. Nobody had saw the occurrence. It is not a fact that I deposed falsely that my mother told me that accused had cut my paternal uncle.

It is not a fact that I deposed falsely as we had litigation with the family of accused. I am illeterate. I do not know the contents of the FIR. I heard about the occurrence from my mother. It is not a fact that accused was entangled with a false case.

R.O. & A.C.

Sd/- Illegibel

Add. Sessions Judge,
Cachar, Silchar

Typed at my dictation &
corrected by me

Sd/- Illegible

Addl. Sessions Judge,
Cachar, Silchar.

HIGH COURT FORM NO. (M) 83.

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of.....P.W. 2.....
 Aged about ...50 years taken in Oath or solemn affirmation under provision of
 the Indian Oath Act of 1878, before me.....Shri A. B. C, Addl. Sessions
 Judge, Cachar, Silchar,.....
 This...7.5.05.....day ofof.....
 My name isSmti Sabitri Bagti.....
 My father's name is W/o. Late Jayanta Bagti.....
 I am by caste.....My house is at..... Mauza Dhalcherra Tea Estate
 Police station.....Borkhola.....Dist.....Cachar.....
 I reside at present in Mauza.....Police Station...Borkhola.....
 District.....Cachar.....Where I am ...Tea Garden labourer
On S. A.

The deceased Ananta Bagti was younger brother of my husband, who lived separately from our residence. About ¾ years age the occurrence took place in the night at about 8 p.m. in the house of deceased Ananta Bagti. At the time of occurrence I was sleeping in my house. My daughter Mayaboti was with me. Hearing cries I came out from my room and saw that accused Bangla Bagti killed his father and thereafter the accused was sitting near the person of deceased with a dao in his hand. At that time my daughter Mayaboti was also with me. Thereafter I informed about the occurrence to the members of the garden and other neighbouring people. Thereafter my son Jyoti Bagti returned from market and I informed him about the occurrence. The Manager of the garden informed about the occurrence at the P.S. and police came to the P.O. on that very night. Till arrival of police the accused was detained by villagers and after arrival of police the villagers handed over the accused to police. Police took the dao from the accused. Police recorded my statement.

Cross xxxxxxxx

The distance between my house and the house of deceased is about 40/50 cubits. There is no residence of other people between our house and the house of the deceased. There is no electric light in our house. We cannot see things from a distance due to want of electric light. It is not a fact that I did not state before police that hearing hulla I went to the P.O. It was raining at the time of occurrence and I closed the door. I have not seen the occurrence. The accused is suffering from mental disorder.

R.O. & A.C

Sd/- Illegible

Addl. Sessions Judge,

Cachar, Silchar.

Typed at my dictation &

corrected by me

Sd/- Illegible.

ASSAM SCHEDULE VIII, FORM NO. 93.
HIGH COURT FORM NO. (M) 83.
FORM FOR RECORDING DEPOSITION

THE DEPOSITION of...P.W. 3.....

Aged about 18 years taken in oath or solemn affirmation under provision of the Indian Oaths Act of 1878, before me.....Shri A. B. C Addl. Sessions Judge, Cachar, Silchar.....

This ...7.5.05.....day ofof.....

My name is.....Smti Maya Bagti.....

My father's name is D/o. Late Jayanta Bagti.....

I am by caste.....My house is at Mauza.....Dhalcherra Tea Estate

Police Station.....Borkhola.....District.....Cachar.....

I reside at present in Mauza.....Police Station....Borkhola.....

District.....Cachar.....Where I amTea garden labourer

On S. A.

I knew the deceased Ananta Bagti. The accused Bangla Bagti is the son of deceased Ananta Bagti. About 2 years ago Ananta Bagti had died at 8 p.m. in his residence. At that time I was in our house with my mother. Hearing cries I alongwith my mother came out of our house and went to the house of the deceased and seeing blood I became senseless. I saw accused Bangla caused cutting injury in the person of his father. I gave my statement before police.

Cross xxxxxxxxxx

At the time of occurrence the month was Ashar and it was raining and it was not possible to come out from the house due to heavy shower. There is a bit distance from our house to the house of deceased. I cannot say whether the accused is suffering from any mental disorder. After being senseless I cannot say what happened. I regained sense in the next day.

R.O & A.C.

Sd/- Illegible

Addl. Sessions Judge,

Cachar, Silchar.

Typed at my dictation &
corrected by me

Sd/- Illegible

Addl. Sessions Judge,

Cachar, Silchar.

Assam Schedule VIII, Form No. 93
High Court Criminal Form No. (M) 83
FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 4

aged about 42 years taken in oath or solemn affirmation under provision of the Indian Oaths Act X of 1878 before me Shri A. B. C Addl. Sessions Judge, Cachar, Silchar

this 7th day of May, 2005

My name is	Sri Bati Lal Goala
My father's name is	S/O Late Sona Goala
By Caste	My house is at Mauza Dhalcherra Tea Estate
Police Station- Borkhola	District- Cachar
I reside at present in Mouza-	Police Station- Borkhola
District - Cachar	Where I am - Tea garden labourer.

On S.A.

I knew the deceased Ananta Bagti who lived near our house. I know accused Bangla Bagti. Accused Bangla Bagti is the son of deceased Ananta Bagti. The occurrence took place about 2/3 years ago in a night at about 8/8-30 p.m. in his house. While I was returning from market, on the way I got information that accused killed his father and I went to the P.O. and found Ananta is lying in the ground and accused is sitting near him. Thereafter I went to the Manager and informed him about the occurrence and the Garden Authority with the VDP informed about the occurrence at P.S. Thereafter police came to the P.O. At the P.O. I saw Jyoti Bagti, Maya Bagti and Sabitri Bagti and they told me that accused killed his father after quarrelling with the deceased. Police did not examine me.

Cross

I do not know whom police examined. My residence is at a distance of 3 k.m. from the P.O. At the time of occurrence the night was dark. There are about 30 residences in between my house and the P.O. It is not a fact that I deposed falsely that I visited the P.O. at the time of occurrence. It is not a fact that I deposed falsely that Maya, Sabitri and Jyoti told me that after quarrel the accused killed his father.

R.O. & A.C.

Sd/-

Typed at my dictation &

Add. Sessions Judge

Corrected by me

Cachar, Silchar

Assam Schedule VIII, Form No. 93
High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 5

aged about 40 years taken in oath or solemn affirmation under provision of the Indian Oaths Act X of 1878 before me Shri A. B. C Addl. Sessions Judge, Cachar, Silchar

this 31st day of May, 2005

My name is **Sri Radheswam Sheel**
My father's name is **Sri Rajyeswar Sheel**
By Caste **My house is at Mauza Dholcherra Tea Estate**
Police Station- **Borkhola** District- **Cachar**
I reside at present in Mouza- **Dholcherra Tea Estate** Police Station- **Borkhola**

District - **Cachar**

Where I am - **Cultivation**

On S.A.

I know the deceased Ananta Bagti. Accused Bangla Bagti is the son of deceased Ananta Bagti. At the time of occurrence both the accused and his deceased father Ananta Bagti were residing in the same house. About 3 / 4 years ago at about 8 / 9 p.m. Sabitri Bagti came to my house and reported me that Bangla Bagti killed his father. After hearing about the occurrence I along with other people went to the residence of garden Manager and informed about the occurrence. Accordingly the Manager over telephone informed the police. On the next morning police came to the P.O. In my presence police detained Bangla Bagti. I gave my statement before police.

Cross

I was informed about the occurrence by Sabitri in my residence. I saw nothing. It is not a fact that I deposed falsely that Sabitri Bagti informed me that the accused has killed his father. It is not a fact that I deposed falsely that knowing about the occurrence I went to the Manager of Tea Estate and informed the Manager about the occurrence and then the Manager informed the police about the occurrence. I cannot say the month of the date of occurrence and it was dark at the time of occurrence. No electric light is available in the house of accused Bangla Bagti. There is a bit distance between the house of Sabitri and accused.

R.O. & A.C.

Sd/-

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 7

aged about 57 years taken in oath or solemn affirmation under provision of the Indian Oaths Act X of 1878 before me Shri A. B. C, Addl. Sessions Judge, Cachar, Silchar

	this	day of 22/7/05	
My name is		Sri Manaranjan Nath	
My father's name is		Late Gopen Ch. Nath	I am
By Caste		My house is at Mauza Vill- Jaraitala	
Police Station- Borkhola		District- Cachar	
I reside at present in Mouza-		Police Station-	
District - Cachar		Where I am - Cultivation	
<u>On S.A.</u>			

I knew the deceased Ananta Bagti. Accused Bangla Bagti is the son of deceased. About 4 (four) years back Ananta Bagti was killed. The police personnel of Borkhola Police Station took me to the house of deceased Ananta Bagti. Going there I saw the dead body lying on the court yard with cut injuries on his person. I also saw the accused Bangla Bagti was tied by some boys of that area. At the P.O. from the people I came to know that accd. Bangla Bagti killed his father on the previous night. At the P.O. police seized one 'dau' in my presence. Ext. 1 is the seizure list and Ext. 1(1) is my signature.

Cross

There are about 20 / 25 houses in between my house and the house of deceased. There is no resident of other people near the house of deceased i.e. it is a 'jungle' area. I saw Radha Shyam Seal and Radhu Karmakar along with other person at the P.O. Radha Shyam Seal and Radhu Karmakar told me that he has killed his father. I could not put any question to any person present at the P.O. It is not a fact that I deposed falsely that I heard from the people that accused killed his father on the previous night. At the relevant time I was the VDP of Borkhola P.S. I have not brought any document in this connection. I did not show any document that I was the president of VDP. It is not a fact that I did not see accused Bangla Bagti was tied by rope. It is not a fact that I did not see the dead body of Ananta Bagti lying in his court yard.

R.O. & A.C.

Sd/-

Typed at my dictation &

Add. Sessions Judge

Corrected by me

Cachar, Silchar

Sd/-

Addl. Dist. & Sessions Judge

Cachar, Silchar

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 8

aged about 22 years taken in oath or solemn affirmation under provision of the Indian Oaths Act X of 1878 before me Shri A. B. C Addl. Sessions Judge, Cachar, Silchar

	this	day of 22/7/05	
My name is		Sri Mantu Bagti	
My father's name is		Pritamvar Bagti	I am
By Caste		My house is at Mauza Jariltala	
Police Station- Borkhola		District- Cachar	
I reside at present in Mouza-		Police Station-	
District - Cachar		Where I am - Cultivation	

On S.A.

I knew deceased Ananta Bagti and accused Bangla Bagti who is son of deceased. About 4 (four) years ago while I was in the market at about 10 P.M. came to know that accused Bangla Bagti killed his father. At midnight I went to the house of the deceased and found that Ananta Bagti is lying dead on the court yard of his house. I found Sabitri Bagti, Jyoti Bagti in the house & they told me that accused killed his father and also saw that accused was standing in the court yard then I returned back. In the next morning I again went to the house of the deceased and found many people there and also police. I gave my statement.

Cross

The market is at distance of about 1 / 2 K.M. from the house of deceased Ananta Bagti. It was a market day. At that time I was in the shop of a muslim person. I cannot say from whom I heard that accused killed his father. My house is at distance of 1 (one) K.M. from the house of deceased. After returning from market I went to the house of deceased alone. There are residence of 30 / 35 people around the house of the deceased Ananta Bagti. I found no other people except the members of the house of the deceased. There is no electric light in the house of the

deceased Ananta Bagti. It is not a fact that I stated before police after lying in the court yard crying and embracing with the dead body of the deceased. On the next morning going to the house of deceased I found Radha Shyam Seal and Patilal Goala and many other people. Nobody had told me anything. It is not a fact that I deposed falsely that I heard in the morning that the accused killed his father. It is not a fact that I deposed falsely that after going to the house of deceased Ananta Bagti I found him lying in the court yard. I cannot remember the date and month of the incident. There is no quarrel between deceased Ananta Bagti and his brother. The P.O. is surrounded by jungle. It is not a fact that in the next morning going to the P.O. I met to the president Patilal Goala at the P.O. It is not a fact that I am a tutor witness.

R.O. & A.C.

Sd/-

Typed at my dictation &

Add. Sessions Judge

Corrected by me

Cachar, Silchar

Sd/-

Addl. Dist. & Sessions Judge

Cachar, Silchar

Assam Schedule VIII, Form No. 93
High Court Criminal Form No. (M) 83
FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 9

aged about 36 years taken in oath or solemn affirmation under provision of the Indian Oaths Act X of 1878 before me

this 18th day of August/06

My name is	Dr. Monoj Kr. Sinha, Asstt. Professor
My father's name is	Late Jogeswar Deka I am
By Caste Hindu	My house is at Mauza S.M.C.H.
Police Station- Silchar	District- Cachar
I reside at present in Mouza-	Police Station-
District -	Where I am - Asstt. Professor,
S.M.C.H.	Deptt. of Forensic
Medicine.	

On S.A.

On 17.06.01 the postmortem examination was held over the deadbody of Ananta Bagti by Dr. G. Das, Demonstrator, S.M.C.H. Upon such examination Dr. Das found -

Deadbody of a male of average built, dark complexion. Rigor mortis passed of from upper limb and in the process of passing from the lower limb. Mature maggots seen crawling over the deadbody. Postmortem blisters front and back of thorax. Separation of epidermis on the back. Brain matter seen outside the cranial cavity.

Injuries - Incised injury with gapping over the oxipital scalp horizontally placed 16 X 4 cm. cutting all structures including scalp and oxipital bone with depth upto cranial cavity. Oxipita bone is cut completely with bevelling to superior to inferior side. Decomposed brain matter seen coming out from the wound. Anti-mortem blood clot seen firmly adherent over the hole margin. Abdominal organs are healthy.

Opinion :-

In the opinion of Dr. Das the cause of death was resulting from the injury sustained in the head which was antimortem and homicidal in nature. Approximate time since death is about 30 hours. Heavy sharp cutting weapon was used. Ext. 2 is the postmortem report and Ext. 2(1) is the signature of Dr. Das which I know.

R.O. & A.C.

Sd/-

Sessions Judge
Cachar, Silchar

Typed at my dictation &
Sessions Judge
Corrected by me
Sd/-
Addl. Sessions Judge, FTC
Silchar

Additional

FTC

Assam Schedule VIII Form No. 99
High Court Criminal Forms No. (M) 85

FORM OF RECORDING EXAMINATION OF ACCUSED
EXAMINATION OF ACCUSED PERSON
(Section 313 of the Criminal Procedure Code)

The examination accused

Age about 30 year, taken before me..... Magistrate of
the..... Class at..... on the 2.1.07.... day of.....
198..... In the Language, interpreted by.....

My Name is.....Shri Bangla Bagti

My father's name is Lt. Ananta Bagti

I am by caste..... and by occupation Cultivator

My home is at Mouza..... Dolcherra T.E..... Police Station
Borkhola

District..... I reside at Dolcherra T.E.

Q.1: P.W. nos. 2, 3 and other witnesses have adduced in evidence that
at 8 p.m. on 15.6.2001, you killed your father by dealing dao blow in his head and
that after killing him you kept sitting near the dead body by holding the blood
stained dao in your hand. Do you have anything to say?

Ans. Yes, they witnessed it.

Q.2: The witnesses have stated that the village people kept you tied up
with rope along with the blood stained dao in hand and that when the police came
they arrested you along with the dao. What do you have to say?

Ans. Yes. They did so.

Q.3: The witnesses have further stated that the police seized from you
the blood stained dao with which you killed your father. What do you have to
say?

Ans. The police seized the dao.

Q.4: P.W., 2, 3 and other witnesses have averred in evidence that when
they saw you sitting near you father's dead body by holding the blood stained dao
they did not see any other members of your family there. What do you say?

Ans. Then my father and myself were there.

Q.5: Do you have anything more to say?

Ans. After taking liquor, I had a quarrel with father. Then I grew angry and dealt a blow in his head by talking a dao. I have been languishing in jail since long and I beg your mercy.

Sd/- Bangla Bagti

(Signature of mark of the accused)

Sd/- Illegible

2.1.07

(Signature of Magistrate)

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

Sd/- Illegible

2.1.07

(Signature of Magistrate)

Ext.1
Sd/-Illegible
Addl. Sess. Judge

Cachar, Silchar

M.R. No. 22/2001
Seen
Sd/-Illegible

25.6.2011

SEIZURE LIST

Ref: Borkhola P.S. Case No. 89/2001 U/S 302 IPC

I, SI N.K. Chanda, of Borkhola P.S. do hereby seize the following weapon (Dao) from the P.O. which is found lying near the left side of the deceased having blood stain, on being identified by the accused Bangla Bagti to have used at the time of committing the crime.

The seizure is made at P.O. on 16.6.2001 at 2 p.m. in con with the above noted case in presence of the below signed wits.

Description of the seized weapon

1. A dao fitted to a wooden handle. Slightly cracked the handle is about one foot long. The dao is about a foot long. The dao is stained with blood. Some hair is sticking to it. The dao is about 2 feet long including the handle.

Sign. Of wits.

1. LTI of Jati Bagti

S/o Lt. Jayanta Bagti

Of Dholcherra Bagan

P.S. Borkhola

2. Sd/- Binode Karmakar

S/o Lt. Nishi Rn. Karmakar

Of Bikrampur T.E.

P.S. Borkhola

3. Sd/- Monoranjan Nath

Ext.1(1)

S/o Lt. Gogan ch. Nath

Sd/-Illegible

Joraitola Bazar,

P.S. Borkhola

Silchar

Addl. Sess. Judge

Cachar,

22.4.05

4. Sd/- Illegible

LTI of Bangla Bagti

S/o Lt. Ananta Bagti

.....Tom.....

Ext. 1(2)
Sd/- IllegibleSd/- Illegible
16.6.2001
Borkhola P.S.
C/Dhalcherra Bagan

The P.O. is on the courtyard of the house of deceased Ananta Bagti at Dhalcherra Bagan under Borkhola P.S.

Index:

A Indicates dwelling house of deceased Ananta Bagti. The house is bamboo made

6x 9 hand. Covered by thatch divided in to two rooms including cookshed, one front side Barrenda about two hand breath. One door in front side.

B. Indicates an EK Chala adjacent with main house.

C. Indicates front Barrenda of house breath about 2 hands open.

D. Indicates dead body of deceased Ananta Bagti, s/o Lt. Japan Bagti of Dhal chura Bagan P.S. Borkhola his description noted in inquest report. Which lying on the courtyard of the house of deceased Ananta Bagti about 5'6' feet distance from the Barrenda huge blood stain lying under the head of the deceased.

E. Indicate dwelling house of complt Jati Bagti, about 15/16 yrds distance from the dead body.

F Indicate cow shed of complt.

G Indicate house of Nikhil Bagti younger brother of complt.

- H Indicate front side door of the dwelling house of deceased Ananta Bagti.
 I Indicates two rooms partition door (system) of the house of deceased Ananta Bagti.

Ext. 4(1)	Drawn by me
Sd/- Illegible	Sd/- Illegible
Addl. Dist. & Sess. Judge, FTC	16.6.2001
Cachar, Silchar	BKL P.S.
Dhalcherra	C/at P.O. i.e.
	Bagan

Ext. 5
 Sd/- Illegible
 Addl. Dist. & Sess. Judge, FTC
 Cachar, Silchar

INQUEST REPORT

Ref: Borkhola P.S. Case No. 39/2001 U/S 302 IPC

Now, along with my staff, I, Shri N.R. Chanda, SI of Police, have arrived in the residence of deceased Ananta Bagti in Dhalchara tea garden under Barkhola P.S., which is the place of the occurrence and do hereby hold inquest over the body of deceased Ananta Bagti upon identification of it by the complainant Jati Bagti, the son of Late Jayanta Bagti, a resident of Dhalchara tea garden under Barkhola P.S. The body of deceased Ananta Bagti is found covered with a coarse mat and with a blanket under it, and laid in the courtyard in front of his house. When the coverings are removed, the body is found laid its back with its head to the 'Ishan' quarter (the north-east direction). Held in presence of the following witnesses, the inquest goes as under.

Known from the complainant, the deceased is Ananta Bagti, aged around 50 years, son of Late Japan Bagti, a resident of Dhalchara tea garden under Barkhola P.S. The body of deceased Ananta Bagti is found laid on a 'Katha' (a quit made of old and torn clothes or rags) with the head to the 'Ishan' direction, in the courtyard in front of his house. Both the legs are found straight. The right hand is bent and is resting on the right thigh and the left hand is bent and is placed under the waist. Deceased is wearing a navy-blue shorts. He has no other cloth in the body. A few cords are found round the waist. The hair of the head is about an inch long some of which are curly and some had turned grey. Both the eyes are closed and the mouth is slightly open. Trace of profuse bleeding is found below the head. By turning the body over and over again, deep cut mark is found in the left side in the back of the head. Cut marks are also found in the

wrist of the right hand and in the ring finger. No trace of semen or stool is found in the penis or in the anus.

When the inquest is over it is gathered from the complainant and the witnesses that at about 8 p.m. yesterday (Friday, 15.6.2001) Bangla Bagti (deceased's son), aged about 26 or 27 grievously assaulted him (deceased) in the head with a dao following which he succumbed to his profusely bleeding injury. Even then, in order to ascertain the real cause of death, the dead body is being sent to the Police Surgeon at Silchar Medical College along with relevant papers for a post mortem examination.

Name address and signature of the witnesses

1. LTI of Jati Bagti (complt) 28

S/o Lt. Jayanta Bagti
Of Dhalcherra Bagan

2. LTI of Montu Bagti, 24

S/o Sri Pitambar Bagti
Of Dhalcherra Bagan

3. Sd/- Radhesyam Shill, 38

S/o Rajyshwar Shill
Of Dhalcherra Bagan

4. Sd/-Binode Karmakar, 35

S/o Lt. Nishi Rn. Karmakar
Of Bikrampur T.E.

5. Sd/- Monoranjan Nath, 48

S/o Lt. Gogen Ch. Nath
Jarailtola Bazar

Ext. 5(1)

Sd/- Illegible

Addl. Dist. & Sess. Judge, FTC

Cachar, Silchar

Sd/- N.R. Chanda

Borkhola P.S.

16.6.2001

C/Dhalcherra Bagan

S.C. 35/01

Ext. 2

Sd/- Illegible

Sessions Judge

Cachar, Silchar

19/8

Assam Schedule XLIII (Part I), Form No. 24

POST MORTEM REPORT

Ref: Borkhola P.S. Case No. 89/2001 U/S 302 IPC

Station : Silchar Medical College

Day of:- 17.6.2001

P.M.R. No. 239/2001

Name, Sex, age

And caste : Ananta Bagti @ 50 yrs,
Male,

Hindu,

S/o Lt. Japan Bagti

Dholcherra Bagan

P.S. Borkhola

Dist. Cachar

Whence brought

Village and Thana : Borkhola P.S.

Name of constable by

Whom brought and names

of relatives accompanying : HC/ Matiur Rahman Laskar

DATE AND HOUR OF

Despatch : 16.6.2001

Arrival at dead house : 17.6.2001 at 10 a.m.

Examination : 17.6.2001 at 10.20 a.m.

Information furnished by

Police : As per forwarding, Inquest
etc.

By whom identified before

Medical Officer : HC/ Matiur Rahman Laskar
Jati Bagti Relation
Mantu Bagti, Relation

N.B. Observe the state of all the organs and when no disease

Injury is found write "Healthy"

1. EXTRANAL APPEARANCE

1. Condition of subject stout
emaciated, decomposed etc. : The deceased is found wearing a half pant only. Build average, complexion dark, thread in waist. Rigor mortis passed off from lower limbs. Immature maggots seen crawling over the body. Post mortem blisters over front of back of thorax, separation of epidermis on back, Brain matter seen outside the cranial cavity.
2. Wounds – position and character.
3. Bruise Position size and Nature : Nil
4. Mark of ligature on neck
Dissection, etc. : Nil, Healthy.

II. CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae : 1. Incised injury with gaping over the occipital scalp, horizontally placed, 16 x 4 cm, cutting all structures including scalp and occipital bone with depth up to cranial cavity. Occipital bone is cut completely with beveling (13 x 1 cm) from superior to inferior side. Decomposed brain-matter seen coming out through the wound. Ante mortem blood clot seen firmly adherent to wound margins.
2. Membrane :
3. Brain and spinal cord : Spinal cord not examined.

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

III. THORAX

1. Walls ribs and cartilages : Healthy.
2. Pleurae : Healthy.
3. Larynx and trachea : Healthy.
- Right lung : Show early decomposition change.
- Left lung : Show early decomposition change.
- Pericardium : Healthy.
- Heart : Flabby, Empty.
- Vessels : Healthy.

IV. ABDOMEN

1. Walls	:	Healthy.
2. Peritonoun	:	Healthy.
3. Mouth, pharyanx, cesophagus	:	Healthy.
4. Stomach and its contains	:	Healthy, Empty
5. Small intestine and its contents	:	Healthy
6. Large intestine and its contents	:	Healthy, Gas.
7. Liver	:	Shows early decomposition Change.
8. Spleen	:	Shows early decomposition Change.
9. Kidneys	:	Shows early decomposition Change.
10. Bladder	:	Healthy & Empty
11. Organs of generation external and internal	:	Healthy

V. MUSCLES, BONES AND JOINTS

1. Injury	:	As described.
2. Diseases or deformity	:	Nil.
3. Fracture	:	Nil.
4. Dislocation	:	Nil.

*MORE DETAILED DESCRIPTION OF INJURY OR DISEASE**ASSISTANT SURGEON**OPONION OF.....AS TO CAUSE OF DEATH**SUB-ASISTANT SURGEON*

Cause of death is coma resulting from the injury sustained in the head which is ante mortem and homicidal in nature. Approx. time since death 24-36 hours.

Ext. 2 (1)

Sd/- Dr. G. Das, MBBS

Sd/- Illegible

Demonstrator

Sessions Judge

Deptt. of Forensic Medicine

Cachar, Silchar

Silchar Medical College

Silchar, Assam

30.7.2001

ASISTANT SURGEON OFSUB-ASISTANT SURGEIONThe 30th day of July 2001

- ১। 'অসমৰ নদীবান্ধ সমস্যাৰ বহনক্ষম সমাধান' বিষয়ক এখনি ৰচনা
লিখক। ১০

নাইবা

অসমৰ গ্রাম্য অৰ্থনীতিৰ ভেটি সবলীকৰণৰ বাবে কিছু পৰামৰ্শ আগবঢ়াই
ভাৰতৰ গ্রামোন্নয়ন মন্ত্ৰীলৈ এখন স্মাৰক পত্ৰ লিখক।

- ২। ইংৰাজীলৈ অনুবাদ কৰক : ৫+৫=১০

(ক) এই পট্টাৰ ম্যাদ উকলি গ'লে পট্টাদাৰক তেওঁৰ উত্তৰাধিকাৰী,
প্ৰতিনিধি আৰু স্থলাভিষিক্তবিলাকক সেই মাটিৰ নতুন পট্টা
লবলৈ প্ৰথমে সুবিধা দিয়া যাব, আৰু তেওঁ বা তেওঁবিলাকে
সেই সুবিধা লব নুখুজিলে পট্টাদাৰৰ, তেওঁৰ উত্তৰাধিকাৰী,
প্ৰতিনিধি আৰু স্থলাভিষিক্তবিলাকৰ স্বত্ব আৰু তেওঁৰ
উত্তৰাধিকাৰী, প্ৰতিনিধি আৰু স্থলাভিষিক্তবিলাকৰ হাতেদি বা
তেওঁবিলাকৰ অধীনে সেই মাটিত কাৰোবাৰ প্ৰজা বা বন্ধক
সূত্ৰে ভোগ কৰিব পৰা স্বত্ব থাকিলেও সেই স্বত্ব সম্পূৰ্ণৰূপে
ৰহিত আৰু শেষ হব।

(খ) এজাহাৰকাৰীৰ বিনীত নিবেদন এই যে ১ নং সাক্ষী
এজাহাৰকাৰীৰ বিবাহিতা ছোৱালী আৰু বৰ্তমান ৩ মাহৰ
গৰ্ভৱতী। তাই ১৭/১২/০৯ তাৰিখে পিতৃ-গৃহলৈ ফুৰিবলৈ
আহোতে সিদিনা ৰাতি ১নং আচামীয়ে আন আচামীগণৰ
সহযোগত তাইৰ ইচ্ছাৰ বিৰুদ্ধে বলপূৰ্বক ভাৱে তাইক অপহৰণ
কৰি কোনোবা অজ্ঞাত ঠাইত লুকুৱাই ৰাখিছে। মোৰ উক্ত
ছোৱালীজনীৰ লগত ঘটনাৰ সময়ত প্ৰায় ১৮০০০ হেজাৰ
টকাৰ সোণৰ গহনা আছিল। ছোৱালীজনী আৰু গহনাখিনি
আচামীৰ পৰা উদ্ধাৰ কৰি আচামীগণক যথোচিত শাস্তিৰ ব্যৱস্থা
কৰাৰ প্ৰাৰ্থনা জনালোঁ।

৩। তলত উল্লিখিত ইংৰাজী গদ্যাংশৰ অসমীয়া ভাঙণি লিখক : ৫

“Above all things, integrity is the Judge’s portion and proper virtue. It is the capacity to decide impartially which is the most important criterion for judging the performance of the Judges on the Bench.” It is said that judging is a lonely job and Judges, more often than not, are islands.

৪। (ক), (খ) আৰু (গ) শব্দ সমষ্টি কেইটা শুদ্ধকৈ সজাই একোটকৈ বাক্য ৰচনা কৰক : ৩×২=৬

(ক) গৰম এলেছৱা জনশূন্য গাঁৱৰ একেবাৰে হৈ দুপৰীয়াবোৰত দিনৰ আলিবাটবোৰ থাকে।

(খ) চৰাই-চিৰিকটিলৈকে আৰু যোৱালৈ জন্তু ডুব আৰু বেলিটো মানুহৰ পৰা চাই সকলোৱেই বাট থাকে।

(গ) নিজেই খায় পানী কেতিয়া থাকে মাছে পানীত বাবে নেজানে।

৫। তলত দিয়া যি কোনো পাঁচটা শব্দ ব্যৱহাৰ কৰি পাঁচটা বাক্য ৰচনা কৰক : ৫

লটিঘাটি, উদ্গনি, উচতনি, আপুৰুগীয়া, মইমতালি, পোটক, আওকাণ।

৬। ভিনিহি, জেঠেৰী, পেহা, জেঠাই, উনৈশ, দুকুৰি সাত, একক —শব্দকেইটাৰ অৰ্থ ইংৰাজীত বুজাই লিখক। (যি কোনো পাঁচটা) ৫

৭। চমুকৈ ভাব সম্প্ৰসাৰণ কৰক : ৪

“স্বদেশ আৰু স্বজাতিৰ উন্নতিৰ মংগল-মন্দিৰৰ সিংহ দুৱাৰ হৈছে মাতৃভাষা।” (বেজবৰুৱা)

৮। অসমীয়া ভাষাত প্ৰচলিত তলৰ শব্দবোৰৰ কোনটো কোন বিদেশী ভাষাৰ পৰা অহা উল্লেখ কৰক (যি কোনো পাঁচটা) : ৫

বেগম, পেচকৰ, চুলতান, ফৌজদাৰী, আচামী, মোকৰ্দমা, দেৱানী, উকীল, নাজিৰ, বাজেয়াপ্ত।