ASSAM JUDICIAL SERVICE GR-I (PAPER-I)

Duration : **3 Hours**
Total Marks: **100 Marks**

1. Write essays on any two of the following topics : **2x20marks = 40marks**

(i) Judicial backlog: causes and remedies
(ii) Reporting of Court proceedings by media and the administration of justice.
(iii) Right to information.

2. Read the following passage and answer the questions that follow the passage:
7x1 mark = 7 marks

Rocks which have solidified directly from molten materials are called igneous rocks. Igneous rocks are commonly referred to as primary rocks because they are the original source of material found in sedimentaries and metamorphics. Igneous rocks compose the greater part of the earth's crust, but they are generally covered at the surface by a relatively thin layer of sedimentary or metamorphic rocks. Igneous rocks are distinguished by the following characteristics : (1) they contain no fossils; (2) they have no regular arrangement of layer; and (3) they are nearly always made up of crystals.

Sedimentary rocks are composed largely of minute fragments derived from the disintegration of existing rocks and in some instances from the remains of animals. As sediments are transported, individual fragments are assorted according to size. Distinct layers of such sediments as gravels, sand, and clay build up, as they are deposited by water and occasionally wind. These sediments vary in size with the material and the power of the eroding agent. Sedimentary materials are laid down in layers called strata.

When sediments harden into sedimentary rocks, the names applied to them change to indicate the change in physical state. Thus, small stones and gravel cemented together are known as conglomerates; cemented sand becomes sand-stone; and hardened clay becomes shale. In addition to these, other sedimentary rocks such as limestone frequently result from the deposition of dissolved material. The ingredient parts are normally precipitated by organic substances, such as, shells of clams or hard skeletons of other marine life.

Both igneous and sedimentary rocks may be changed by pressure, heat, solution, or cementing action. When individual grains from existing rocks tend to deform and interlock, they are called metamorphic rocks. For example, granite, an igneous rock, may be metamorphosed into a gneiss or a schist. Limestone, a sedimentary rock, when subjected to heat and pressure may become marble, a metamorphic rock. Shale under pressure becomes slate.

1. The primary purpose of the passage is to

(A) differentiate between and characterize igneous and sedimentary rocks.
(B) explain the factors that may cause rocks to change in form.
(C) show how the scientific names of rocks reflect the rocks' composition.
(D) define and describe several diverse kinds of rocks.
(E) explain why rocks are basic parts of the earth's structure.

2. All of the following are sedimentary rocks EXCEPT

(A) shale
(B) gravel
(C) sand
(D) limestone
(E) schist

3. The passage would be most likely to appear in a

(A) technical article for geologists
(B) teaching manual accompanying an earth science text.
(C) pamphlet promoting conservation of natural resources.
(D) newspaper feature explaining how oil is found.
(E) nonfiction book explaining where to find the results of sedimentation.

4. The relationship between igneous and sedimentary rocks may best be compared to the relationship between

(A) leaves and compost
(B) water and land
(C) DNA and heredity
(D) nucleus and cell wall
(E) sand and clay

5. The passage contains information that would answer which of the following questions ?

I. Which elements form igneous rocks ?
II. What produces sufficient pressure to alter a rock ?
III. Why is marble called a metamorphic rock ?

(A) I only
(B) III only
(C) I and II only
(D) II and III only
(E) I, II and III

6. Which of the following methods is NOT used by the author ?

(A) inclusion of concrete examples
(B) classification and discussion
(C) comparison and contrast
(D) observation and hypothesis
(E) cause and effect

7. The author's tone in the passage can best be described as

(A) meditative
(B) objective
(C) ironic
(D) concerned
(E) bombastic

3. In each of the following questions, a word printed in capital letters precedes five lettered words or phrases. From these five lettered words or phrases, pick the one most nearly opposite in meaning to the capitalized word.

5x1mark = 5 marks

(i) ALACRITY :

(A) slowness (B) plenty (C) filth
(D) courtesy (E) despair

(ii) EXODUS :

(A) neglect (B) consent (C) entry
(D) gain (E) rebuke

(iii) PROPITIOUS :

(A) rich (B) induced (C) promoted
(D) indicative (E) unfavourable

(iv) SAGACIOUS :

(A) foolish (B) bitter (C) voracious
(D) varacious (E) fallacious

(v) SANGUINE :

(A) choleric (B) sickening (C) warranted
(D) irritated (E) pessimistic

4. In each of the following questions, a word printed in capital letters precedes five lettered words or phrases. From these five lettered words or phrases, pick the one most nearly similar in meaning to the capitalized word.

5x1mark = 5 marks

(i) CACHE :

(A) lock (B) hiding place (C) tide
(D) automobile (E) grappling hook

(ii) DECIMATE :

(A) kill (B) disgrace (C) search
(D)collide (E) deride

(iii) THESPIAN :

(A) foreigner (B) skeptic (C) daydreamer
(D) magician (E) actor

(iv) INGENUOUS :

(A) clever (B) stimulating (C) naive
(D) worried (E) cautious

(v) EMACIATED :

(A) garrulous (B) primeval (C) vigorous
(D) disparate (E) thin

5. Below each sentence are five words or sets of words. For each blank pick the word or sets of words that best reflects the overall meaning of the sentence.

5x1mark = 5 marks

(i) Because she had a reputation for_____ we were surprised and pleased when she greeted us so_____.

(A) insolence	.....	irately
(B) insouciance	....	cordially
(C) graciousness	.....	amiably
(D) arrogance	.....	disdainfully
(E) querulousness	.....	affably

(ii) If the *Titanic* had hit the iceberg head on, its watertight compartments might have saved it from_____, but it swerved to avoid the iceberg, and in the collision so many compartments were opened to the sea that disaster was_____.

(A) foundering	.....	inevitable
(B) sinking	.....	escaped
(C) damage	.....	limited
(D) buoyancy	.....	unavoidable
(E) collapse	.....	averted

(iii) The sugar dissolved in water_____; finally all that remained was an almost_____ residue on the bottom of the glass.

(A) quickly	.....	lumpy
(B) immediately	.....	fragrant
(C) gradually	.....	imperceptible
(D) subsequently	.....	glassy
(E) spectacularly	.....	opaque

(iv) After having worked in the soup kitchen feeding the hungry, the volunteer began to see her own good fortune as _____ and her difference from the _____ as chance rather than destiny.

(A) an omen	.....	homeless
(B) a fluke	.....	impoverished
(C) a threat	.....	destitute
(D) a reward	.....	indigent
(E) a lie	.....	affluent

(v) We are_____ the intellects of the past; or, rather, like children we take it for granted that somebody must supply us with our supper and our_____

(A) ungrateful to	.....	ideas
(B) dependent on	.....	repose
(C) unfaithful to	.....	needs
(D) fortunate in	.....	allowance
(E) generous to	.....	wants

6. Correct the following sentences : **5x1mark = 5 marks**

(A) I never, and never will, do such a thing.
(B) Unless you do not give up your bad habits, you will repent.
(C) No sooner he received the letter from his father than he went out.
(D) He, I and You should attend the meeting.
(E) He prefers to walk than to ride.

7. Fill up the blanks with words expressing appropriate comparisons.
3x1mark = 3 marks

(i) As clear as _____.
(ii) As steady as a _____.
(iii) As cool as a _____.

8. Substitute the following by one word.
3x1 mark = 3 marks

(i) A person who hates women.
(ii) A remedy which can cure all ailments.
(iii) A person who is too ready to believe.

9. Answer the following : **5x1 mark = 5 marks**

(i) If ALTERED is written in a code as ZOGVIVW, how would you write the word RELATED in the same code ?

(A) VIOGZVW (B) IVOZGWV (C) VOIZGVW
(D) IVOZGVW

(ii) Find the number that logically completes the series.

121, 100, 81, ?

(iii) In a college election, a candidate who got 40% of the total votes was defeated by his rival by 160 votes. What was the total numbers of votes polled?

(iv) Insert the missing number :

15	(92)	31
25	(?)	26

(v) Insert the missing number :

	? 7	
36		12
	21 15	

10. Answer the following : **12x1 mark = 12 marks**

(i) Which city is also known as the Big Apple ?

(A) New York, USA (B) Canberra, Australia
(C) Madrid, Spain (D) Washington, U.S.A.

(ii) What are the blood corpuscles that help to build up resistance against diseases?

(A) Monocytes (B) Neutrophils
(C) Leucocytes (D) Lymphocytes

(iii) Anita got 178 marks and failed by 22 marks. To pass, she had to secure 40% marks. What were the maximum marks ?

(A) 300 (B) 400
(C) 500 (D) None of the above

(iv) Asom Sahitya Sabha was established in which year?

(A) 1905 (B) 1917
(C) 1924 (D) 1947

(v) Pope Francis, who succeeded Pope Benedict XVI, is the

(A) 250th Pope (B) 261st Pope
(C) 266th Pope (D) 273rd Pope

(vi) Where is the headquarters of UNESCO located?

(A) New York (B) Rome
(C) Geneva (D) Paris

(vii) Dr. M.S. Swaminathan has distinguished himself in which of the following fields?

(A) Nuclear Physics (B) Agriculture
(C) Astrophysics (D) Medicine

(viii). Which Indian monument did Rabindranath Tagore describe as "a teardrop on the cheek of eternity" ?

(A) The Taj Mahal (B) Red Fort
(C) Qutub Minar (D) Victoria Memorial Hall

(ix) Name the well known Indian occupant of spacecraft Soyuz T-11?

(A) Rakesh Sharma (B) Sunita Williams
(C) Kalpana Chawla (D) Geet Sethi

(x) Kumbh Mela is held after every twelve years at four places. Three of these places are Haridwar, Prayag, and Nashik. Name the fourth.

(A) Puri (B) Varanasi
(C) Tirupati (D) Ujjain

(xi) The term "Golden Revolution" is most closely related to which of the following missions?

(A) National Mission on Clean Coal Technologies
(B) National Bamboo Mission
(C) National Solar Mission
(D) National Horticulture Mission.

(xii) In Assam, what is a tuppa ?

(A) A tea basket (B) A rice basket
(C) A water tank (D) None of these

11. Give answers to the following questions **1x10mark = 10marks**

(i) What is the age required to enable a person to become a member of Rajya Sabha ?

(ii) With which cartoonist do you associate the *you said it* series ?

(iii) If you were seated on a howdah, where would you be ?

(iv) How is Madeline Slade better known in Indian history ?

(v) Who is the only person till now to have won FIFA Ballon d'Or award four times consecutively ?

(vi) Who was appointed Chairman of Law Commission of India in January, 2013 ?

(vii) 14th Finance Commission is constituted under whose Chairmanship ?

(viii) International Women's Day is celebrated on which day ?

(ix) What is common to Shri Raghunath Mohapatra, Shri S. Haider Raza, Professor Yash Pal and Professor Roddam Narasimha ?

(x) Which film got the award of best film in the 58th Filmfare Awards 2012 ?

XXXXXXXXXXXXXXXXXXXXXXX

Direct Recruitment to Grade-I
Assam Judicial Service, 2013

PAPER II

Answer all questions
(Support your answers with reasons and reference to legal provisions)

Total Marks- 100
Time – 3 hours

GROUP A

Each question carries 1 ½ marks

1. Joynal approaches a police investigating a case and offers to give information leading to discovery of the hidden knife used in committing the crime on the charge made against him for committing murder. Does the action of Jyonal amounts to surrender himself to police?
2. For the purpose of arresting a person without warrant, can the police officer travel beyond his territorial jurisdiction without an express order from the Magistrate?
3. A Corporation registered at Chennai is arrayed as accused in criminal case pending at Dibrugarh. The summon of the case is effected by serving upon the local manager of the Corporation at Dibrugarh. Is the service valid in law?
4. In a TIP held to identify accused, one particular accused could not be identified. Whether the benefit of doubt for such failure goes only to the person not identified or to all the accused?
5. A complaint case was dismissed by the Magistrate for default but after framing of the charges, whether the Magistrate can restore the case to file by setting aside the order of dismissal upon sufficient cause shown by the complainant?
6. Can the CJM try an offence under section 323/354 IPC against a person below sixteen years of age?
7. Jadu is a proclaimed offender in a cognizable case. Madhu a private person, knowing that fact arrested Jadu on his own from a secret hideout and handed over to police. Is Jadu authorized to do so without any order from the authority?

8. Can a Sub-divisional Magistrate issue a search warrant to find out a person who is suspected to be illegally and wrongfully confined?
9. There having arisen some matrimonial differences between a married couple, they mutually agreed to live separately. The wife, who has no source of livelihood, later claims maintenance allowance under section 125 Cr.P.c. Will she be entitled?
10. A police Officer making an investigation sends oral information to the son of the accused who is a student of fourteen years old to appear before him, as he appears to be acquainted with the facts and circumstances of the case. Is the action of the police Officer permissible under the Cr.P.C.?
11. Can the plea of limitation in a civil suit be raised for the first time in appeal without raising in the pleading?
12. 'A' files a suit for declaration of right, title and interest and for recovery of possession from 'B', after he lost in a prior proceeding under section 145 Cr.P.C. where possession was declared in favour of 'B'. Can 'A' succeed inspite of declaration of possession in the 145 proceeding against him by the Magistrate after a full scale investigation?
13. 'A' obtained a decree for money against 'B'. 'A' files an execution petition to execute the decree, but the petition being barred by time, he files an application u/s 5 of the Limitation Act to condone the delay on the ground that on the last date of limitation, his father expired. Can the delay be condoned by the court u/s 5 of the Limitation Act?
14. 'A' files a suit for realization of a sum of Rs.10000/- against 'B'. 'B' files written statement denying his liability without any counter claim. Later on, after some progress of the suit 'B' files a counterclaim against 'A' in the suit. Is the counter claim is maintainable after filing of the written statement?
15. In a title suit both the parties have adduced evidence, oral and documentary by examining witnesses on their behalf. Later on,

the defendant files an application to the court stating that one important witness, whose evidence is essential for deciding the suit, was not examined and prayed for calling him as a court witness. What the court should do in such a situation?

16. In which court an application for removal of a trustee of a trust properly created for public purpose will lie?

17. What is the remedy of a plaintiff when his suit is dismissed for non-appearance u/o 9 R.3 CPC and under what provision?

18. Can a party judicially challenge the order appointing an arbitrator by the Chief Justice of the High Court u/s 11(5) of the Arbitration and Conciliation Act, 1996? If so, how?

19. A title suit filed by 'A' against 'B' dismissed for default by the Civil Judge Sr. Division and a decree was also drawn up. The time for setting aside the dismissal order having been expired, 'A' files a regular appeal u/s 96 of the CPC in the High Court. How you will defend 'B' in the first appeal?

20. An application for setting aside an arbitral award is filed after expiry of thirty seven days of the period of limitation of three months, as the applicant was suffering from ailments. In support of his plea to condone the delay he filed a medical certificate. How the court is to decide the prayer for condonation of delay?

GROUP B

(Each question carries 2 ½ marks)

1. In a complaint case filed by you as a lawyer, charges were framed under section 323/447/34 IPC against the accused after considering the evidence produced before charge. Subsequently, due to the absence of the complainant, the case was dismissed and the accused was discharged without trial. Is the order valid in law? How would you advice your client to set into motion the case again?

2. Jadu, who is an accused in a criminal case u/s 325/447/34 IPC facing a NBWA issued by the CJM approach you. Going through the record you find that on several occasions warrant issued to Jadu could not be executed and hence the I/O described him as an absconder and filed charge sheet, on the basis of which NBWA was issued. How you will defend Jadu to get bail on his appearance. Is the order issuing NBWA is valid in law?
3. 'M' was arrested in a case against him u/s 21(c) of the NDPS Act, but the investigation could not be completed within 90 days. You are approached for bailing 'M' out u/s 167(2) Cr.P.C. What should be the consideration of the court in considering your bail plea for 'M'?
4. 'Z' files a suit for declaration of right, title and interest over a plot of land against 'Y' on 1.9.2012. Summon of the suit was served upon 'Y' on 5.10.2012 and immediately he contracts you to defend him and file written statement. On your prayer, time granted to you on three occasions upto 4.1.2013. On 4.1.2013 while coming to court for signing and filing the written statement, 'Y' met with an accident, resultantly 'Y' could not file the written statement within 90 days as mandated under O 8 R 1 CPC.

   What will be your argument to convince the court to accept the written statement beyond 90 days?
5. During the pendency of an appeal in which you are appearing for the Respondent, the sole respondent dies and you informed the court. Though the court granted time to substitute the legal heirs of the deceased respondent, but the appellant could not do so for not knowing the names of the legal heirs of the deceased respondent. In such a situation have you any role to play as an advocate for the deceased respondent? If so, what?

6. A suit was dismissed by the Civil Judge (Sr Division) by passing judgment on 28.10.2012, but the decree was prepared and subsequently signed on 11.11.2012. The plaintiff approaches you to file an appeal. The period of limitation for filing the appeal being 90 days, what would be the last date for filing the appeal in this case?
7. A specific area of land with standing trees thereon are notified to be acquired by the government for public purpose and value of the land and trees are assessed by the Collector and notified the person interested to accept the compensation. The owner considers the compensation assessed is much below the market value and approach you for advice. How will you act as an advocate of the claimant/ owner to get higher compensation under the Land Acquisition Act?
8. Madhu filed a suit against Jadu. Jadu, though appeared, did not file written statement. In the subsequent proceeding, as Jadu's advocate how you will try to protect his interest and to what extent?
9. 'M' is a workman in an industry. His service was terminated by the management. In a reference, the Labour court passed an award setting aside the termination order and directed the Management to re-instate 'M' in service. Management challenges the order in a writ petition and prays for stay of the award including re-instatement. Being served with notice of the writ proceeding the workman approaches you to resist the interim stay in the writ proceeding. How will you defend the interest of the workman at the time of hearing of interim matter?
10. Madhu filed an appeal against a decree passed in a suit filed under section 6 of the Specific Relief Act in the Civil Judge (Sr. Divn). The appeal was held to be without jurisdiction after three years of filing by the court as no appeal lies

against such decree'. Madhu then approaches you changing his former lawyer, requesting you to file a revision petition in the High Court for which the period of limitation is only 90 days stating that the appeal was wrongly filed against the decree.

What point will you raise to condone the delay of more than two years in filing the revision petition?

GROUP C

(Each question carries 3 marks)

1. You are conducting a suit on behalf of the plaintiff. The defendant has not filed written statement and obtained time. The plaintiff, at that stage is required to go to Washington on a foreign assignment and would not be able to come back for at least ½ years and his evidence is essential to establish his case. What steps you will take in this situation to protect the interest of the plaintiff and the procedure the court is to follow?
2. 'A' files a suit for declaration and injunction against 'B'. After filing written statement and necessary steps for peremtory hearing is over on the first day of hearing you as an advocate for the plaintiff filed an application for appointment of an Amin Commission to make location investigation of the suit land as the identity of the same is in question. How the court is to deal with your prayer?
3. 'A' instituted a title suit with prayer for injunction and ad interim injunction was granted. The suit was dismissed for default of the plaintiff under Or 9 R 8 CPC. On an application showing sufficient cause by the plaintiff, the suit was restored to file under Or 9 R 9 CPC. Comment on it, if the restoration of the suit also restores the ad interim order of injunction automatically, without any express order?

4. Rohim approaches you for recovery of a plot of KP Patta land measuring 1 Bigha fetching annual revenue of Rs.500/- per year which is encroached by Jalil and his party. The market value of the land is approximately 50 lakhs. You advised him to file a suit for declaration of his title and for recovery of possession.

   How you will value the suit and pay the court fee?

5. While the husband of 'W', a resident of Guwahati was travelling to Tinsukia expired in a fatal road accident near Nagaon Town. 'W' approaches you for filing an accident claim case for compensation under the M.V.Act. She also urgently need some amount as an interim measure. The place of accident being near Nagaon, the cause of action arose within the jurisdiction of the Nagaon Claims Tribunal, and 'W' is not in a position to peruse the case at Nagaon.

   How you will protect her interest on both counts?

6. Ram took a loan of Rs.2 lakhs from Shyam on 30.04.2004 payable on demand with interest @15% per annum by executing a pronote. On demand Shyam paid only Rs.10,000/- on 01.04.2007 acknowledging in writing the debt and promising to repay. Again on 30.04.2010 he sent another letter with a cheque of Rs.12,000/- in favour Shyam acknowledging his debt and requesting more time to repay. Ram defaulted again. If Shyam approaches you on 25.04.2013 for recovery of the loan only with interest on the basis of the pronote and acknowledgement.

   How will you advise him in the matter?

7. In a title suit conducted by you for the plaintiff, the plaintiff produced only a certified copy of the sale deed by which he purchased the land and not the original.

What are the conditions you are to satisfy the court to bring the certified copy exhibited in the suit?

8. Ramjan is charged under section 376 IPC and is defended by you. On the date of commission of offence Ramjan was 17 years 10 months of age and when the trial commenced he attained the age of 22 years. Can you raise the plea of protection under Section 8 of the Juvenile Justice Act, 1886 in favour of your client and if so, under what principle?
9. A document which was attested by two witnesses, not being a will, is required to be proved by you on behalf of your client in a suit. The document is a registered one. The attesting witnesses are not coming to depose they being then not in good terms with your client. How you will protect the interest of your client in the absence of attesting witnesses?
10. "A' is the owner of a house at Tezpur town of which 'B' is a monthly tenant. 'A' brings a suit against 'B' for his eviction and for recovery of the tenanted premises as 'B' has defaulted to pay the monthly rent for seven months. Defending the suit 'B' questions the locus of 'A' to file the suit alleging that 'A' is not the owner of the suit house.

    As an Advocate, how will you meet the situation and rebut 'B's plea?

GROUP D

(Each question carries 3 marks)

1. Ganesh being suffered bodily injury due to assault by a local politically influenced person went to lodge an FIR to the Police Station. Police not having entertained the FIR, he approaches you. How will you advice him to get the FIR registered and investigate the case?
2. "A' is charged under section 302 IPC and the trial is going on. 'A' is defended by you. During the course of evidence it has

been established that due to one fatal blow inflicted by 'A' on the head of the victim by a stick, the victim died after 5 days. However, no previous animosity was proved nor the cause of attack by 'A' is made known. How you will argue to defend 'A' to come out of charge u/s 302 IPC during argument?

3. Don obtained the signature of Bina in an agreement to sell her land and house in favour of Don threatening that in the event of Bina's refusal, her minor daughter would be kidnapped and she would be ravished. After putting her signature in the agreement, Bina approaches you for legal help. How will you advise her? What would be the legal effect of the agreement signed by her?
4. Under Sec 23 of the Indian Contract Act when one person is employed by another to do an act and the agent does it in good faith, the employer is liable to identify the agent against the consequences of that act, though it may cause an injury to the rights of the third person.

   In an event, Abdul was employed by Hari to beat Jadu and agrees to indemnify him against all consequences of the act. Abdul thereupon beats Jadu severely and had to pay damages to the extent of Rs.50,000/- to Jadu for the act. Abdul approaches you for legal help. Is Abdul liable? How will you defend him?
5. 'Natarajan Ltd" a private Company conveys 5000 sq m of land to Naresh for valuable consideration by a registered sale deed. But Naresh was not delivered the possession of the property by the Company. On advice of Naresh you filed a civil suit to get possession of the land, where the company raises a defence that the act not being done by a 'living person' to attract definition of 'transfer of property' no right has been created upon Naresh over the land by the sale deed. How you will defend Naresh in the case?

ASSAM JUDICIAL SERVICE GRADE-I
(PAPER-III)

Duration : **3 Hours**
Total Marks: **100 Marks**

Constitutional Law (40 marks)

(Answer **any four**)

1. *Ä country cannot be developed without the participation of village unit local self government"- Mahatma Gandhi*

   What do you mean by local self government and discuss the constitutional provisions in respect of local self government for democratic decentralization. **10 marks**

2. Write briefly the different methods of acquisition and termination of Indian citizenship. Is there any direct constitutional provision to that effect ? **10 marks**

3. Why has special status been given to the State of Jammu and Kashmir ? Do you think that this special status should be extended to Assam also ? Give reasons. **10 marks**

4. Write short notes on **any two** of the following :- **2x5 marks=10 marks**
   (a) All India Services.
   (b) Grants-in-aid
   (c) Finance Commission

5. Write an exhaustive note on 'Writs'. **10 marks**

6. Discuss in detail the procedural safeguards to civil servants guaranteed by Article 311(2) of the Constitution of India pointing out the exceptions. Cite case laws. **10 marks**

Jurisprudence (20 marks)

(Answer **any four**)

1. Write briefly (**any two**) **2x5 marks = 10 marks**

   (a) Austin's theory of law and its deficiencies, if any.
   (b) What is criminal justice ? Refer to two theories of punishment of your choice.
   (c) Interpretation of statutes.

2. What is the meaning of the term 'Law' ? Distinguish between *'public law'* and *'private law'*. **10 marks**

3. Write a note on the nature of jurisprudence. What is the utility of study of jurisprudence ? Discuss. **10 marks**

Judgment writing (40 marks)

1. Write a judgment on the basis of the materials supplied in the enclosed paper book.

$$$$$$$$$$$$

PAPER BOOK

Seen
Sd/- Illegible
12.1.06
I/c Addl. Judicial Magistrate
Dibrugarh

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

G.R. NO. 57/06

1. Dist..Dibrugarh.. ..PS.Tingkhong...Year....2006.....

FIR No 04/06 ....date....10.1.06.....

2. (i) Act.....I.P.C..... ....Sections...U/S 325 IPC

II) Act.....sections.....Addl. Sec 302 IPC.....

iii) Act.....sections.....

iv) Other Acts & Sections.....

3. a) General Diary Referenced Entry No...191

.....Time...10.1.2006 at 8.15 AM.....

b). Occurrence of offence: Day...Monday..... date 09.1.06.....

Time...8.A.M.....

c) information received date 10.1.06..... Time At 8.15 A.M.....

G.D. No. at the police station

4. Type of Information .....Written.....

5. Place of occurrence: No.2 Padumoni Gaon, Konwari Gaon.....

a) Direction and Distance from P.S...5 K.M. North.....

b) Address.....No.2 Padumoni Gaon P.S. Tingkhong.....

.....Beat No.....

6. Complainant/Informant :

a). Name.....Sri Dharmeswar Gogoi

b). Father's name ...Lt. Bhakat Ram Gogoi

C). Date/year of Birth.....1961.....45yrs.....

d). Nationality .....Indian.....

e) Pass port No.....Date of issue.....Place of issue.....

f) Occupation .....Cultivator.....

g) Address...Konwari Gaon, Padumoni vill. P.S. Tingkhong Dist. Dibrugarh.....

7. Details of known/suspected/unknown accused with full particulars.....

1. Sri Sunil Gogoi, S/o Sri Lil'bor Gogoi of No.2 Padumoni, Konwari Gaon.....

8. Reasons for delay in reporting by the Complainant/ Informant:.....

9. Particulars of properties stolen/ involved(Attach separate sheet if necessary):.....

10. * Total value of properties stolen/involved:.....

11. * Inquest Report/ U.D. Case No., if any.....

12. F.I.R. Contents (Attach separate sheets, if required):

The written ejahar received at P.S. treated as FIR and enclosed.

13. Action taken: Since the above report reveals commission of offence (s) u/s as mentioned at item No.2, registered the case and

took up the investigation / directed ASI Bhuban Bhuyan to taken up P/S step of the case to take up the Investigation/transferred to P.S..... on point of jurisdiction F.I.R. read over to the Complaint/ Informant admitted to be correctly recorded and a copy given to the Complainant/ Informant free of cost.

Signature of Officer-In-Charge
Police Station with
RTI of Sri Dharmeswar Gogoi

14. Signature /thumb impression of the
Complainant / Informant.

* Name: ... Nobin Borborah S.I.
Rank: .....
Officer in Charge
Sd/ illegible
Tingkhong Police Station
Dist. Dibrugarh
10.01.06

Ext.1
Sd/ illegible
26.9.06

Seen
Sd/illegible
12.1.06
Seal
Dibrugarh

EJAHAR

To,

The Officer – in – charge,

Tingkhong Police station, Tingkhong

Dated. 10.01.06

Subject: Ejahar

Sir,

Humble submission is that around 8 a.m. on 9.1.06 my elder brother Sri Lilbor Gogoi (aged 65 years) was sitting by fire at the gateway of his house. Just about that time, his son Sri Sunil Gogoi dealt a blow upon his head with a split wood as a result of which, he fell down on the ground unconscious. At present the injured is in Naharani Health centre under treatment.

I, therefore request you to take necessary steps in this regard and oblige.

Yours faithfully,
Sd/ Sri Dharmeswar Gogoi
Son of Late Bhakatram Gogoi
Resident of No.2 Padumoni Gaon
Kuwarigaon P.S. Tingkhong
Dibrugarh.

Ext.1(i)
Sd/ illegible
26.9.06

Written as per the dictation of the complainant and when admitted correct upon being read over to him, I put my signature here.

Scribe: Krishna Deka
10.01.06

Assam Schedule VIII Form No. 247

High Court Criminal Process No. 32

S.C. 180/06

CHARGE WITH ONE HEAD

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

(Sections 221,222,223 code of Criminal Procedure)

Sri A. Alam,

Addl. Sessions Judge (FTC) Dibrugarh

Hereby charge you Sri Sunil Gogoi

As follows:

That you on or about the 9.1.2006 at about 8 a.m. in front of the house of Sri Lilbor Gogoi you had committed his murder by intentionally causing the death.

And thereby committed an offence punishable under section 302 of the Indian Penal Code and ~~with~~ within the cognizance of the Court of Sessions.

And I hereby direct that you be tried by the said court on said charges

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

Dated this 5th day of Sept 06

Sd/-Illegible

Addl. Sessions Judge(FTC)

Dibrugarh

5.9.06

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE ,

DIBRUGARH

G.R. CASE NO. 57/06

STATE

-VS.-

Sri Sunil Gogoi

COMMITMENT ORDER

Dated : 8.8.06

Accused Sunil Gogoi is produced from jail hazot. Copy is ready the same is furnished.

The offence alleged of is exclusively triable by the court of Sessions. Therefore the case is committed to the court of Sessions with an intimation to the learned PP. The accused shall be produced before the Court of Sessions on 10.8.06

Sd/-Illegible

CJM,DBR

Assam Schedule VIII, Form No. 03
High Court Criminal Form No.(M) 03

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

Deposition of P W 1

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Dharmeswar Gogoi

Son of Lt. Bhakatram Gogoi

My age is 45 years I reside at Tingkhong

District Dibrugarh .....Police Station Tingkhong

Occupation .....Cultivator.

On S/A,

I know the accused Sunil Gogoi. He is my nephew. The deceased is the father of the accused.

The incident took place in the month of journey. On that day at about 7 p.m Lilbon Gogoi was enjoying the heat of fire, and at that time Sunil struck Lilbon who fell down, and was taken to Hospital. The next day he died.

I filed the FIR. Ext.1 is my FIR. Ext.1(1) is my signature. Ext.2 is the inquest report. Ext.2(1) is my signature.

XXXXXXXXXXX Cross XXXXXXXXXXX

I have not seen the incident. There was no quarrel or enmity with his father. He had suffered the mental disorder. There is no previous incident of his attacking anyone.

Sd/- Illegible

R.O.& A.C
Sd/ illegible
26.9.06

Assam Schedule VIII, Form No. 03
High Court Criminal Form No.(M) 03

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

Deposition of P W 2

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Smti Deepali Gogoi

Wife of Sri Pranab Gogoi

My age is 27 years I reside at Dadumoni Kuwanigaon

District Dibrugarh .....Police Station Tingkhong

Occupation .....House wife.

On S/A,

The accused is my husband's elder brother, 'Bohjona'. The deceased was my father in law. It was in the month of January. I was inside and hearing cry of my daughter Priyanka went outside, I saw my father in law was lying on the ground senseless. My daughter was only near to my father – in – law at that time. We brought him inside. There is no Priyanka. Thereafter the injured was taken to hospital. Priyanka told me that Sunil had stroked his father on head from behind. He was brought home from hospital and at home he died.

XXXXXXXXXX Cross XXXXXXXXXX

On my arrival. I found my daughter Priyanka none else were... there at the P.O. He had suffered from mental disorder. He damaged his house too. He also chased some persons while going through. Road. He killed one cow and a pig also. His wife left him due to his fortune.

Sd/- Illegible.

R. O. & A. C
Sd/ illegible
26.9.06

Assam Schedule VIII, Form No. 03
High Court Criminal Form No.(M) 03

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

Deposition of P W 3

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Pranab Gogoi

Son of L. Lilibor Gogoi

My age is 27 years I reside at 2 no. Dadumoni

District .....Police Station Tingkhong

Occupation .....Cultivator.

On S/A,

The accused is my elder brother. The deceased was my father. It was in the month of January 2006. He was enjoying the heat of fire. I was not at home, went for work. I was informed that father was beaten by Sunil. I found my father in injured condition, injury was in the neck, we took him home and later along with Pradip Gogoi took him to Naharani Hospital for treatment. After one day at hospital we took him back home, the Doctor stated that there was no scope for recovery. He died at night.

XXXXXXXXXXX Cross XXXXXXXXXX

The accused suffered for mental disorder. When his wife left him, thereafter, he was not found to be completes normal.

We showed him to some village 'Bez' He resided separates.

R. O. & A. C
Sd/ illegible
26.9.06

Sd/- Illegible.

Assam Schedule VIII, Form No. 03
High Court Criminal Form No.(M) 03

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

Deposition of P W 4

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Bipul Gogoi

Son of L. Kuladhar Gogoi

My age is 27 years I reside at ..... Dadumoni

District .....Police Station Tingkhong

Occupation .....Cultivator.

On S/A,

I know the accused. The deceased was my uncle. I heard about the incident. I came, on my arrival I found the injured lying on the road. He was taken inside. Reach to doctor I found him senseless. Priyanka told that Sunil had striked him.

XXXXXXXXXX Cross XXXXXXXXXX

NIL

Sd/- Illegible.

R. O. & A. C
Sd/ illegible
26.9.06

Assam Schedule VII, Form No.03
High Court Criminal Form No.(M)03

Sessions Case No. 180/06.

FORM FOR RECORDING DEPOSITION

Deposition of ....P.W.5.....

Present:- Shri A. Alam,
Addl.Sessions Judge(FTC),
Dibrugarh.

My name is Smti. Priyanka Gogoi.

Son/Wife/Daughter of Sri Pranab Gogoi.

My age is 11 years

I reside at Padumani Konwar Gaon..... District :- Dibrugarh.....

Police Station ..Tingkhong..... Occupation :- Student.....

The witness, as stated by herself is below the age of 12 years and as such, no Oath or affirmation could be given to her. However, she has been tested by putting the following questions -

1.Q. Do you go to school ?
Ans.- Yes, I go to school.

2.Q. What Class do you read in?
Ans.- I read in Class VI.

3.Q. Do know the name of your school ?
Ans.- Yes, the name of our school is Konwarigaon Higher Secondary School.

4.Q. How many students are there in your Class ?
Ans.- There are 49 students in our Class.

5.Q. Who is the Headmaster of your School ?
Ans.-Sri Kamala Gogoi.

6.Q. With whom ~~do~~ you have come to the court ?
Ans.- I have come to the court along with my father & mother.

OBSERVATION

After putting these questions and considering fluency and clarity of her answers, it is found that she will be able to

Contd. on page 2

narrate the facts within her knowledge. Hence, I proceed to record her evidence :-

E V I D E N C E

The name of my grand-father was Lilbor Gogoi. I was with him in front of our homestead. I had put up a fire and both of were enjoying the heat of the fire. At that time, Sunil Gogoi hit on the backside of the head of Lilbor Gogoi and on the impact, the grand-father fell down on the ground. (the witness has pointed the portion of the neck just below the head). I then cried for my mother. My mother rushed to the P.O. and called my father, and my father also arrived. Thereafter, the grand-father was lifted inside our house. Thereafter, he was taken to medical for treatment. On the next day of the incident, the grand-father succumbed to the injuries. After hitting my grand-father, the accused fled away from the place. The accused hit by a piece of bamboo. It was in the morning and my grand-father was hit thrice at the same place. I have only this much to state. Nobody has tutored me to state what I have stated to day.

XXXXXXXXXXXXX Cross ——

I may not state to the I/O about hitting thrice by the accused. It is not a fact that I stated to the I/O that the accused had inflicted the injuries by a split piece of firewood. The accused killed one pig by a lathi and he has also damaged his own house. He has some mental disorder and as such, sometimes goes off his head.

R.O. & A.C.
26-9-84

dictated and corrected
26/9

Addl. Sessions Judge (FTC),
Dibrugarh.

Assam Schedule VIII, Form No. 03
High Court Criminal Form No.(M) 03

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

Deposition of P W 6

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Bhadreswar Gogoi

Son of Bapiram Gogoi

My age is 43 years I reside at ...Kuwarigaon

District Dibrugarh .....Police Station Tingkhong

Occupation .....Business

On S/A,

I know the accused. I heard about the incident and so went there. On my arrival police took my signature on the Inquest report. Ext. 2(2) is my signature.

XXXXXXXXXXXXXCROSS XXXXXXXXX

I did not notice any injury as I did not minutes observe the dead body.

Sd/- Illegible.

R.O. & A.C

Sd/-Illegible

26.9.

Assam Schedule VIII, Form No. 93
High Court Criminal Form No.(M) 03

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

Deposition of P W 7

You are taken oath or solemn affirmation on this 1.12.06 .....of Sri

D.C. Chetia Phukan , Addl. Dist. & Sess. Judge, F.T.C. DBR.

My name is Sri Dr. Rupak Kumar Gogoi

Son of Sri Haghadhar Gogoi

My age is 39 years I reside at ...Udaypur Dibrugarh ...

District Dibrugarh .....Police Station Dibrugarh

Occupation .....Asstt. Professor A.M.C. Dibrugarh

On S/A,

On 13.1.06 I have done post mortem of Lilbor Gogoi aged about 65 years of Hindu, Male, being identified by const. No 5844 Hiteswar Chetia and Sri Rajen Gogoi son of the deceased and found as follows:

One male dead body of average build dark brown – complexion wearing dhuti and ganji
Rigor mortis present on both upper and lower limbs.
Examination cranium and spinal canal:

Skull contused on left temporal area. Membraine – Subdural, Heamorrhage present on whole cervical.....hemisphere, Brain – congested. Examination.....of thorax:

All were found healthy.

Examination.....of abdomen:

All were found healthy.

Opinion:

Cause of death was coma, resulting from head injury which was ante mortem and cause by blunt force impact. Approx time of death 36 to 48 hours. Ext. 3 is the P.M. report Ext. 3(1) is my signature.

XXXXXXXXXXXXXX

Declined.

Sd/- Dr. R.K. Gogoi R.O. & A.C

Sd/-Illegible

Addl. Dist. & Sessions Judge (FTC)

Dibrugarh

1.12.06

High Court Criminal Form No. 83

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

The Deposition of P W 8

aged about 25 years taken on oath or solemn affirmation under Provisions of the Indian Oaths Act X of 1878 before me D.C. Chetia Phukan, Addl. Dist. & Sessions Judge, FTC, Dibrugarh ..... on this .....

My name is Rajen Gogoi

My Father's name is Lt. Lilibor Gogoi ..... I am by caste.....Hindu ..... my home is at Mauza Police Station Tingkhong ..... District..... Dibrugarh I reside at present in Mauza.....Dibrugarh ..... Police Station.....Dibrugarh District.....Dibrugarh ..... where I am.....

On S/A,

I know Sunil Gogoi, About one year ahead the occurrence took place. Lilibor Gogoi is my father. I was informed by niece Prianka that Lilibor Gogoi is murdered. Accordingly I went to the place of occurrence. I found my father laying on the verandah with an injury of his neck. It was ~~s~~severely injury. Prianka told me that Sunil Gogoi ~~and~~ assaulted by a bamboo Lathi to Lilibor Gogoi. Lilibor gogoi was brought to hospital at Naharani. He was admitted there and on the next day Lilibor Gogoi died at hospital.

XXXXXXXXXXX

Sunil Gogoi has ~~been~~ brain defect.

Sd/- Illegeble.

R.O. & A.C
Sd/-Illegible
28.12.07

High Court Criminal Form No. 83

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

The Deposition of P W 9

aged about 56 years taken on oath or solemn affirmation under Provisions of the Indian Oaths Act X of 1878 before me D.C. Chetia Phukan, Addl. Dist. & Sessions Judge, FTC, Dibrugarh ..... on this .....28.2.07 ...

My name is Sri Suraj Gogoi

My Father's name is Lt. Baputi Gogoi

caste.....Hindu ..... my home is at Mauza Konwari gaon

Police Station Tingkhong ..... District..... Dibrugarh

I reside at present in Mauza.....Dibrugarh ..... Police Station.....Dibrugarh District.....Dibrugarh .....

where I am..... Asstt Head master.

On S/A,

I know Sunil Gogoi. About one year ahead the occurrence took place. I heard that Lilbor Gogoi was killed by Sunil Gogoi(son). I heard that Lilbor Gogoi was brought to hospital. On the next day police came. And I also went there. As per direct of police I put signature in the inquest.

XXXXXXXXX

DECLIEND.

R.O. & A.C

Sd/-illegible

28.2.07

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

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

The Deposition of P W 10

aged about 49 years taken on oath or solemn affirmation under Provisions of the Indian Oaths Act X of 1878 before me D.C. Chetia Phukan, Addl. Dist. & Sessions Judge, FTC, Dibrugarh .... on this.....28.3.07

My name is Sri Bhaba ch. Bhuyan

My Father's name is Lt. Ratneswar Bhuyan

caste.....Hindu .... my home is at Mauza

Police Station Tingkhong District.....

I reside at present in Mauza...Tingkhong P.S. ..... Police Station.....District.....Dibrugarh where I am.....S.I. of Police

On S/A,

On 10.1 .06 I was S.I. of Police at Tingkhong P.S. On that day an report of ejahar from Dharmeswar Gogoi. The O/C incharge Nabin Barborah registered the case and endore the same of my name for taking preliminary steps. I visited the hospital where the victim was placed. The victim was not in a position...to speak. Then I went to the P.O. and recorded the statement of witnesses. I drew up sketch map. Accd was arrested on the next date and produced before the court. The victim died at hospital and his injures. On complexion of my preliminary step, I handed over the C.D to the O.C. S.I, Bipul Katakey charge sheeted the case. I know the

signature of Bipul Katakey. Ext. 4 is C.S. Ext. 4(1) is the signature of Bipul Katakey.

XXXXXXXXXXXX

Declined.

Sd/- ASI, Bhaba ch. Bhuyan

R.O. & A.C

Sd/-Illegible

28.3.07

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

FORM OF RECORDING EXAMINATION OF ACCUSED

EXAMINATION OF ACCUSED PERSON

(Section 364 of the Criminal Procedure Code)

The examination of accused Sunil Gogoi

aged about 36...years taken before Sri D.C Chetia Phukan, Addl. District & Session Judge,(F.T.C), Dibrugarh on the day of.....29.11.02 in the .language, interpreted by.....

My name is Sri Sunil Gogoi

My father's name is Sri Lilabor Gogoi

I am by caste and by occupation

My home is at Mouza, Police Station. Tnigkhong

..District. ...Dibrugarh I reside at Kuari gaon.....

Q. It is alleged that you committed murder of Lilibar Gogoi. What is your answer?

Ans: False.

Q. P.W.1 deposed that you striked Lilbor as a result he fell down on fire while he was hiting himself and as a result Lilbor died at hospital. What is your answer?

Ans: I hit Lilbor with a bamboo stick from back side and his shoulder.

Q. P.W. 2,4,7 deposed that Priyanka told them that you strike Lilbor on the head from behind and Lilbor died at hospital. What is your answer?

Ans: I hit Lilbor with a bamboo stick on his shoulder.

Q. P.W.3 deposed that he heard that you beat his father Lilbor Gogoi. What is your answer?

Ans: I hit by a bamboo stick on his shoulder.

Q. P.W. 5 deposed that she and Lilbor were enjoy heat at that time you hit Lilbor head from the back side and Lilbor fell down on the ground. She then outcry and called her mother who came there and called her father. They took her grandfather Lilbor inside the home and thereafter to hospital and the next day Lilbor died. What is your answer?

Ans: I made strike from backside with a bamboo stick.

Q. It is also stated by P.W. 5 that you fleded away after the incident.

Ans: It is not a fact that I fleded away but I leave the place then caught me.

Q. Do you have anything to say?

Ans: I hit with a bamboo stick from backside to lil bor Gogoi on his shoulder.

Q. Will you adduce evidence?

Ans: No.

Sd/ Sunil Gogoi
Signature of mark of the accused

Sd/-Illegible
29.11.07
Signature of Magistrate

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

Sd/-Illegible
29.11.07
Signature of Magistrate

IN THE COURT OF THE ADDL. SESSIONS JUDGE (FTC): DIBRUGARH

Present :- Sri D.C.Chetia Phukan,
Addl. Sessions Judge (FTC),
Dibrugarh.

Sessions Case No.180/06.
U/S 302 I.P.C.

THE STATE OF ASSAM

-Vs-

Sri Sunil Gogoi ------ Accused

A P P E A R A N C E:

For the State :- Sri S. Kotoky, Addl.P.P.

For the Accused :- Sri B. Ahmed, Advocate.

Dates of Evidence :- 26-9-06; 01-12-06; 28-2-07; & 28-3-07.

Date of Arguments :- 30-11-2007.

Date of Judgment :- 30-11-2007.

J U D G M E N T

1. The case of the prosecution in brief is that the complainant, Sri Dharmeswar Gogoi, S/O Late Bhakatram Gogoi, R/O No.2 Padumoni Konwari gaon, P.S. Tingkhong, Dist. Dibrugarh lodged an Ejahar against the accused Sri Sunil Gogoi, S/O Late Lilbor Gogoi, R/O No.2 Padumoni Konwari gaon, P.S. Tingkhong, Dist. Dibrugarh to the effect that on 09-01-06 at about 8-00 a.m. while the brother of the complainant, Lilbor Gogoi was enjoying heat of fire, he was assaulted by his son Sri Sunil Gogoi with a fire-wood. To this effect one Ejahar dtd.10-1-06

Contd. on page 2

Ext. 1
Sd/-Illegible

FORWARDING REPORT

To

The Officer in Charge
Tingkhong Police Station
Tingkhong

Dated 11.1.06

Sub: Regarding death of the injured.

Sir

Humble submission is that I lodged an ejahar 10.1.06 informing that around 8 a.m on 9.1.06, my elder brother Lilbar Gogoi had been beaten by his son Sri Sunil Gogoi with a split firewood, thereby making him grievously injured. He had been under treatment in Nahorani Health Centre.

It is a matter of regret that my elder brother succumbed to his injuries around 10 p..m yesterday.

I, therefore, inform you the same.

Ext. 1(1)
SD/- Illegible

Yours faithfully
Sd/- Sri Dharmeswar Gogoi
So of Lt. Bhakatram Gogoi
Resident of No. 2 Padumoni Gaon
Kuwari gaon
P.S. Tingkhong

Written as per the dictation of the complainant and when admitted correct upon being read over to him, I put my signature here.

Scribe: Krishna Deka

11.1.06

Entered vide Tingkhong P.S. G.D.E. No. .....(torn) dtd. 11.1.06

Sd/- Nobin Borborah
Officer in Charge
Tingkhong P.S.
Dist. Dibrugarh
11.1.06

Ext. 2
SD/-illegible
26.9.06

INQUEST REPORT

Ref: Tingkhong P.S. Case No. 4/06 U/S 325 IPC

Now, I Sri Mridul Kumar Das, Circle Officer, Rajgarh revenue circle, along with Asstt Sub Inspector of Tingkhong P.S. Bhuban Bhuyan and his staff arrive at the house of the deceased of the above mentioned case and hold inquest on the dead body, upon its identification by the deceaseds brother Sri Dharmeswar Gogoi to the following effect:

The deceased is found lying north south at the courtyard of his residence, covered with a white cloth. Lifting the cloth with which the deceased is covered, it is noticed that the deceased is aged around 65 years. The hair is about one and half inches long and completely gray. Both the eyes are slightly open. The mouth also slightly open. The face is covered with gray beard. The two hands are lying straight. Both the legs are lying straight. The wearing of the deceased comprises of a full sleeved vest and a markin dhoti. Tossing and turning the dead body, the nape of the deceased is found blackened. Examining the witnesses, it is learnt that the deceased had been ailing and that around 7 a.m. on 9.1.06, while deceased Lilabar Gogoi was warning himself sitting by a fire, his son Sri Sunil Gogoi dealt a blow on his nape with a split firewood, resulting in h is death.

Yet, in order to ascertain the real cause of deceaseds death the dead body is being sent to A.M.C. H. Dibrugarh, for P.M examination.

Name and address of the deceased

Late Lilabar Gogoi, age 65 years

Son of Lt Bhakatram Gogoi

Resident of No. 2 Padumoni gaon

P.S. Tingkhong

1. Sri Dharmeswar Gogoi, 45 yrs — Ext. 2(1)

S/o Lt. Bhakatram Gogoi — Sd/-Illegible

No. 2 Padumoni gaon — 26.9.06

P.S. Tingkhong

2. Sri Rajen Gogoi, 30 years

S/o Lt. Lilabar Gogoi

No. 2 Padumoni gaon

P.S. Tingkhong

3. Sri Saraj kumar Gogoi, 53 yrs

S/o of Lt. Babuti Gogoi

No. 2 Padumoni Kuwari gaon

4. Sri Bhadraswar Gogoi, 42 years — Ext. 2(2)

Son of Sri Bapiram Gogoi — sd/-Illegible

Padumoni Kuwari gaon — 26.9.06

Sd/-Illegible

Sd/- Dr. R.K. Gogoi — 13-1-06.

Asstt. Professor

Deptt of Forensic Medicine

Assam Medical College

Ext. 3
Sd/-Illegible

POST MORTEM REPORT

Ref: Tingkhong P.S. C.No. 4/06 U/S 325 IPC

Station : A.M.C.H

Day of :- 13.1.06

P.M.No. 40/06

Name, Sex, age and caste	: Lilbar Gogoi, M,H, age 65 yrs
	S/o Lt. Bhakatram Gogoi
	No. 2 Padumoni
	P.S. Tingkhong
Whence brought Village and Thana	: At house
Name of constable by whom brought and names of relatives accompanying	:C/ 584 Hiteswar Chetia

DATE AND HOUR OF

Despatch	: 11.1.06 at 4 p.m
Arrival at dead house	: 13.1.06 at 1 pm.
Examination	: 13.1.06 at 1.30 p.m
Information furnished by Police.	: As per inquest report etc.

By whom identified before

Medical Officer

1. C/ 584 Hiteswar Chetia

2. Sri Rajen Gogoi, (son)

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

1. EXTRANAL APPERANCE

1. Condition of subject stout emaciated, decomposed ect. : One male dead body of average built, dark brown in complexion wearing a dhuti and a ganji. Rigor mortis present on both upper & lower limbs.

2. Wounds - position, and char actor.

3. Bruise Position size and nature. :

4. Mark of ligature on neck

Dissection, etc. : . No ligature mark seen

On dissection – healthy.

II. CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae Scalp: Contused on level temporal area.

Skull - & vertebrae – healthy.

2. Membrane : Sub dural haemorrhage present on whole cerebral hemisphere.

3. Brain and spinal cord : Congested.

Not examined.

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

III. THORAX

1. Walis ribs and cartilages : Healthy.

2. Pleurae : Healthy ,

3. Laryax and trach ere : Healthy ,

Right lung : Healthy

Left lung : Healthy

Pericar (dium) : Healthy

Heart : Healthy , contain

Vessels. : Healthy , contain

IV. ABDOMEN

1. Walls Healthy.

2. Peritonoum : Healthy.

3. Mouth, pharyanx, oesophagus : Healthy ,

4. Stomach and its contents : Healthy & Empty. .

5. Small intestine and its contents : Healthy , contain gas and foecal matter

6. Large intestine and its contents : Healthy , contain gas and foecal matter

7. Liver : Healthy ,

8. Spleen : Healthy

9. Kidneys : Healthy ,

10. Bladder : Healthy ,& Empty.

11. Organs of generation external and internal :Healthy.

V. MUSCLES, BONES AND JOINTS

1. Injury : As described.

2. Disease or deformity : Nil

3. Fracture : Nil

5. Dislocation :.Nil

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

ASSISTANT SURGEON

OPINION OF .....AS TO CAUSE OF DEATH

SUB – ASISTANT SURGEON

Cause of death is coma , resulting from head injury, which is ante mortem and caused by blunt force empact.

Aprox time since death 36 to 48 hrs

Ex.21) Sd/- R.K. Gogoi

Ext. 3(1)
Sd/-Illegible

Sd/- Dr. K. K. Gogoi
Asstt. Professor
Deptt. Of Forensic Medicine
Assam Medical College

ASISTANT SURGEON OF
SUB-ASISTANT SURGEION

The 13th day of January 06

REMARKS BY CIVIL SURGEON

ASI, B. Bhuyan
Pse take n/a

Sd/-illegible
24.6.06
O.C. TKG P.S.

The day of

Signed.....
Civil Surgeon of ...

Ext. 4
Sd/-Illegible

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

CHARGE SHEET

District Dibrugarh Charge Sheet No. 33/06 DT. 26.6.06

Police Station Tingkhong In First Information No.4/06 dt. 10.1.06

Name, address & occupation of COMPLAINANT

1

Dharmeswar Gogoi

S/o Lt. BhakatramGogoi

Of No. 2 Padumoni Konwari gaon

P.s. Tingkhong

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

In custody	On bail or recognizance
3	4
Sri Sunil Gogoi S/o Lt. Lilabar Gogoi Of No. 2 Padumoni Konwari gaon P.s. Tingkhong	

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

5

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

6

1. Dharmeswar Gogoi, S/o Lt. Bhakatram Gogoi
2. Smti Dipali Gogoi, W/o Sri Pranab Gogoi
3. Sri Pranab Gogoi, S/o Sri Lilabar Gogoi
4. Sri Bipul Gogoi, S/o Lt. Kuladhar Gogoi
5. ~~Stmi~~ Smti Priasu Gogoi, D/o Sri Pranab Gogoi
6. Sri Lajen Gogoi, s/o Lt. Lilabar Gogoi
7. Saruj Gogoi, S/o Lt. Babuti Gogoi
8. Sri Bhadraswar Gogoi, S/o Sri Bogiram Gogoi, all are No. 2 Padumoni Konwari gaon, P.S. Tingkhong
9. Sri Mridul kr. Das, Ex. Magt. ,SDC, Rajgarh
10. Sri R.K. Gogoi, Asstt. Professor Forensic Medicine A.M.C.H. Dibrugarh
11. ASI, Bhuban Bhuyan
12. S.I. Bipul Kataki, Both of Tingkhong P.S.

Charge or information; Nature of offence and circumstances connected with if ~~is~~ so consise detail, and under what section of the penal code charged

The charge in brief, is that on 10.01.06, Sri Dharmeswar Gogoi, S/o Late Bhakat Ram Gogoi, R/O No. 2 Padumoni Kuwari village, lodged a written ejahar with the P.S. informing that at about 8 a.m. On 9.1.06 while the complainants elder brother Lilbar Gogoi had been warning himself sitting by fire.Lilbar's son Sunil Gogoi had wounded Lilabar Gogoi from behind by dealing a blow with a firewood. Accordingly, a case was registered, vide case no 04/06 U/S 325 IPC and the investigation was started. During investigation the place of occurrence was visited and the witnesses were examined. Injured Lilbar Gogoi died while under treatment. An inquest report was prepared on the dead body and the body was sent for post mortem examination to A.M.C ,Dibrugarh. The PM report reveals that the "Cause of death is coma, resulting from head injury which is ante mortem and caused by blunt force impact".

During investigation the accused was arrested and sent to the court with a prayer to try the case by adding section 302 IPC. As the charge is found to be well established U/S 302 IPC charge sheet is submitted against accd Sunil Gogoi. Copy of PM report is enclosed with the charge sheet. The witnesses mentioned in column 6 will substantiate the veracity of the case.

Ext. 4(1) Sd/- Bipul Kataki

SD/-Illegible Sub Inspector of Tingkhong

P.S.

Fdd to the CJM Dibrugarh through P.I. Dibrugarh Court.

Sd/-Illegible
Officer in Charge
Tingkhong Police Station
Dist. Dibrugarh
5.7.06

GOVERNMANET OF ASSAM

OFFICE OF THE SUPERINTENDNET CENTRAL JAIL:

DIBRUGARH

No. CJD/47/08/14 Date Dibrugarh the 2nd 01/2008

From : The Superintendent

Central Jail, Dibrugarh

To : The Asstt. Registrar (Judicial)

Hon'ble Gauhati High Court

Guwahati, Assam

Sub : Appeal petition of convict AC/ 650 Sunil Gogoi of Central Jail, Dibrugarh.

Sir

I have the honour to forward herewith an appeal petition dated 18.12.2007submitted by the convict AC. 650 Sunil Gogoi of this Jail for favour of kind disposal by the Hon'ble Gauhati High Court, Guwahati, Assam. The convict was convicted by the Hon'ble Addl. Sessions Judge (FTC), Dibrugarh on 30.11.2007 in connection with Sessions Case No. 180/06 U/S 302 IPC and to suffer R.I. for life and pay a fine of Rs. 5000/- I/D R.I. for 02 months.

The copy of judgement enclosed herewith.

Enclosed:
1. Appeal petition in Original 1(one) No.
2. Judgement copy of 7 (seven) sheets.

Yours faithfully
Sd/- Illegible
Superintendent
Central Jail, Dibrugarh
2.1.08

Memo No. CJD/47/08/14 Dated Dibrugarh the 07

Copy forwarded to : The Hon'ble Addl. Sess. Judge, (FTC) Dibrugarh for favour of kind information.

Sd/- K.N. Sarma
Superintendent
Central Jail, Dibrugarh

Form No. 138 S.C. No. 180/07

U/S 302 IPC

(This part of be sent to the Appellate Court)

PETITION OF APPEAL

Name of Prisoners : Sunil Gogoi

Offence; Murder

Sentence: R.I.For life, of fine Rs. 5000/- i/d R.I. for 2 months.

Date of sentence: 30.11.2007

Sentencing Authority : Addl. Sessions Judge (FTC), Dibrugarh

Date of petition for copy of judgement: 30.11.2007 & free of cost

Date on which copy was received by Jail: 1.12.07

The appeal of the above named prisoners together with copy of the judgement or order passed by in his case is herewith forwarded to the Asstt. Registrar (Judicial) Hon'ble Gauhati High Court, under the provisions of section 420 of the code of criminal Procedure.

Sd/-Illegible
Superintendent
Central Jail, Dibrugarh

Dibrugarh Central Jail
Dated 2.1.2008

Crl. **Appeal No. (J)14/08**

To

The Hon'ble the Chief Justice
The Gauhati High Court at Guwahati

Through the Superintendent, Dibrugarh Central Jail.

Dt. 18.12.2007

Sub: Prayer for the retrial.

Petitioner: Sunil Gogoi, Lifer, Dibrugarh Central Jail.

Sir

Humble submission is that at present I am undergoing R.I. for life in Dibrugarh Central Jail, being convicted on 30.11.07 by the Additional Sessions Judge, Dibrugarh in Session Case No. 180/06 U/S 302 IPC, besides being ordered to pay a fine of Rs. 5000/- and in default to undergo further R.I. for two months.

I am not satisfied with the said judgment. Besides I am not in a position to appoint an advocate for retrial of my case by the High Court.

I, therefore, pray to you to order a retrial of my case by appointing an amicus curiae and to set me free and oblige.

Forwarded

Sd/- Illegible

Central Jail, Dibrugarh

2.1.08

Finis

Yours faithfully

Sd/- Sunil Gogoi

Sig. Attested

Sd/-Illegible

Asstt. Jailor

Central Jail, Dibrugarh

2.1.08

THE GAUHATI HIGH COURT.

(THE HIGH COURT OF ASSAM , NAGALAND, MEGHALAYA ,

MANIPUR , TRIPURA, MIZORAM & ARUNACHAL PRADESH.)

Crl. Appeal No. 14(J)08

Sunil Gogoi .....Appellant/petitioner.

- Versus -

State of Assam, Respondent/Opp. Party.

BEFORE

THE HON'BLE MR. JUSTICE AFTAB H. SAIKIA

THE HON'BLE MR JUSTICE HARISHIKESH ROY

For the Petitioner :

For the Opp. Party : P.P. Assam.

Order Dated : 28.3.08

ORDER

This Criminal Jail Appeal stands admitted to be heard.

Call for the relevant LCRs.

Issue usual notice.

Registry is directed to prepare the paper book of the case and immediately after completion and preparation of the paper book, let the matter be posted for order(s) for appointment of Amicus Curiae.

Sd/- Hrishikesh Roy

Judge

Sd/- Aftab H. Saikia

Judge

AJS,Grade-I

অসম ন্যায়িক সেৱা-১

বিষয় ঃ অসমীয়া

Paper-IV(অসমীয়া)

সময় ঃ ২ ঘণ্টা

মুঠ নম্বৰ ঃ ৫০

১) তলত উল্লিখিত যিকোনো বিষয়ৰ ওপৰত এখনি ৰচনা লিখক। ১০

যোগাযোগৰ নতুন মাধ্যম ঃ ইণ্টাৰনেট - ইয়াৰ উপকাৰীতা আৰু অপকাৰীতা

নাইবা

বিজ্ঞাপনত নাৰী

নাইবা

ধর্মনিৰপেক্ষতা - ইয়াৰ সাংবিধানিক দৃষ্টিকোণ।

২) ইংৰাজীৰ পৰা অসমীয়ালৈ অনুবাদ কৰক ঃ- ঃ ১x১= ১০

(ক) This is not the time to play.

(খ) God bless you.

(গ) I saw him opening the box.

(ঘ) My watch was lost.

(ঙ) Rama goes to school daily.

(চ) All his friends laughed at him.

(ছ) The cat killed the mouse.

(জ) Everyone loves him.

(ঝ) A policeman caught the thief.

(ঞ) His teacher praised him.

৩) অসমীয়াৰ পৰা ইংৰাজীলৈ অনুবাদ কৰক ঃ-

(ক) আমি ভাল খবৰ আশা কৰিছো। ১x১=১০

(খ) হৰিয়ে দুৱাৰখন খুলিছিল।

(গ) কলম্বাচে আমেৰিকা আৱিস্কাৰ কৰিছিল।

(ঘ) মোৰ দেউতাই এখন চিঠি লিখিব।

(ঙ) মই মোৰ চাইকেলখন বেছিলো।

(চ) মই তাইক কান্দি থকা দেখিছিলো।

(ছ) সি বাৰে বাৰে চেষ্টা কৰিছিল।

(জ) সি মিছা কথা কৈছিল।

(ঝ) তাৰ শিক্ষকে তাক প্রশংসা কৰিছিল।

(ঞ) তাই এঘণ্টা ৰৈ থাকিব।

৪) তলত উল্লিখিত যিকোনো পাঁচটা শব্দৰ সমার্থক শব্দ লিখক। ১x১= ৫

চক্ষু, পদুম, ৰাতি, চন্দ্র, ৰজা, ঈশ্বৰ, হাতী।

৫) তলত দিয়া যিকোনো পাঁচটা শব্দ ব্যৱহাৰ কৰি পাঁচটা বাক্য ৰচনা কৰক। ১x১= ৫

খাই পাত ফলা, গাখীৰতে মহৰ খুটি, বিনা মেঘে বজ্রপাত, অথাই সাগৰ, বিধি পথালি দিয়া, নদন-বদন, আঁচলৰ ধন।

৬) তলত দিয়া যিকোনো পাঁচটা শব্দৰ বিপৰীত লিংগ লিখক। ১x১= ৫

লৰা, তাৰৈ, শিষ্যা, গায়ক, অধ্যাপিকা, ছাত্র, নেত্রী।

৭) তলত দিয়া যিকোনো পাঁচটা শব্দৰ বিপৰীত শব্দ লিখক। ১x১= ৫

আয়, আদৰ, আকর্ষণ, জন্ম, উচ্চ, উপকাৰ, উত্তম।

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