DATE :- 20-04-2013

NAGALAND JUDICIAL SERVICE GR-I (PAPER-I)

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

1. Write essays on any two of the following topics : **2x20marks = 40 marks**
   (i) Public Interest Litigation
   (ii) Good governance and right to information.
   (iii) Hornbill festival of Nagaland.

2. Read the following passage and answer the questions that follow the passage: **5x1 mark = 5 marks**

At low tide he walked over the sands to the headland and round the corner to the little bay facing the open sea. It was inaccessible by boat, because seams of rock jutted out and currents swirled round them treacherously. But you could walk there if you chose one of the lowest ebb tides that receded a very long way. You could not linger on the expedition, for once the tide was on the turn it came in rapidly. For this reason very few people cared to explore the little bay and the cave at the back of it. But the unknown always drew this man like a magnet. He found the bay fresh and unlittered, as it was completely covered by the sea at high tide. The cave looked mysteriously dark, cool and inviting and he penetrated to the farthest corner where he discovered a wide crack, rather like a chimney. He peered up and thought he could see a patch of daylight.

(i). According to the writer, the bay could not be reached by boat, because
   (A) it had numerous layers of rocks.
   (B) there were too many eddies.
   (C) it was facing the open sea.
   (D) there were seams of rock and treacherously swirling currents.

(ii). One could visit the bay
   (A) at any time one chose
   (B) on certain specified occasions
   (C) when there was a low tide
   (D) during the evening walk

(iii). It was not possible to "linger on the expedition" because
   (A) the water rose rapidly
   (B) the tide turned slowly
   (C) the tide turned sprightly
   (D) the water rushed in with a great force

(iv). He found the bay "fresh and unlittered" because

(A) the sea water had receded
(B) he was the first visitor there
(C) the high tide had just washed the litter away
(D) it was not frequented by people who would pollute it

(v). While passing through the cave, the writer discovered a

(A) cool and secluded corner
(B) large opening
(C) chimney-shaped rock
(D) big crack through which light came in

3. A sentence has been broken into 4 parts, namely, **(A), (B), (C)** and **(D)**. Read each sentence to find out whether there is any grammatical error in it. The error, if any, will be in one part of the sentence. The letter of that part is the answer. If there is no error, the answer is **'E'**. (ignore the errors of punctuation, if any).

5x1mark = 5 marks

(i). (A) The interviewer asked the actress
(B) how could she
(C) manage to attain fame
(D) in a short period
(E) No error

(ii) (A) He has a scheme
(B) of his own which he thinks
(C) more preferable to
(D) that of any other person
(E) No error

(iii) (A) The historian
(B) has been working
(C) on the project
(D) from last 12 years
(E) No error

(iv) (A) We now look forward for
(B) some great achievements
(C) which to some extent
(D) can restore the country's prestige once again
(E) No error

(v) (A) We play
(B) tennis together
(C) every morning
(D) since last June
(E) No error

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

5x1mark = 5 marks

(i) NIMBLE :

(A) Lively (B) Clear (C) Quickening
(D) Subtle

(ii) FACADE :

(A) Front (B) Top (C) Floor
(D) Basement

(iii) CHARISMA :

(A) Power (B) Magic (C) Magnetic appeal
(D) Humility

(iv) PILFER :

(A) Destroy (B) Steal (C) Moderation
(D) Snatch

(v) EXTRAVAGANT :

(A) Reckless (B) Unreasonable (C) Pompous
(D) Wasteful

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

5x1mark = 5 marks

(i) FORBID :

(A) Permit (B) Provoke (C) Celebrate
(D) Appreciate

(ii) CALLOUS :

(A) Capable (B) Sensitive (C) Confident
(D) Sentimental

(iii) MASK :

(A) Deface (B) Hit (C) Expose
(D) Injure

(iv) BARREN :

(A) Simple (B) Sterile (C) Productive
(D) Arid

(v) MISCELLANEOUS :

(A) Mixed (B) Classified (C) Unrelated
(D) Minor

6. Each question below has one or two blanks, each blank indicating that something has been omitted. Choose the set of words for each blank which best fits the meaning of the sentence as a whole.

5x1mark = 5 marks

(i) Sunita had ..... been out of the hospital ..... she slipped and fractured her arm

(A) hardly, when (B) just, as (C) well, and
(D) then, when (E) also, as

(ii) During the strike, all work at the factory came to a .....

(A) stoppage (B) close (C) decline
(D) end (E) halt

(iii) It is foolish to vent your spleen on a/an ..... object. Still, you make .....enemies that way.

(A) immobile-bitter (B) interesting-curious
(C) humane-more (D) inanimate-fewer
(E) None of these

(iv) He was ..... very clever, but he ..... performed excellently.

(A) certainly-obviously (B) never-also (C) not-always
(D) rarely-seldom (E) None of these

(5) ..... a very long time this city has been prosperous.

(A) Since (B) For (C) From
(D) Till (E) None of these

7. Each of the following idiom/phrase is followed by four meanings marked as (A), (B), (C) and (D). Chose the one which best expresses the meaning of the given idiom/phrase.

5x1mark = 5 marks

(i) Between the devil and the deep sea

(A) a deep sea diver
(B) to be evil tempered
(C) in a dilemma
(D) a man who is drowning

(ii) Through thick and thin

(A) big and small
(B) large object
(C) under all conditions
(D) thin and fat

(iii) From hand to mouth

(A) something repeated often
(B) consuming food

(C) to survive without saving
(D) hitting someone by hand on the mouth

(iv) To beat about the bush
(A) not to come to the point
(B) vigorous search for the culprit
(C) easily achieved success without much effort
(D) working hard to achieve the goal

(v) To smell a rat
(A) to see hidden meaning
(B) to smell bad odour
(C) to misunderstand
(d) to suspect a trick or deceit

8. Fill up the blanks with words expressing appropriate comparisons. **5x1mark = 5marks**

(i) As blind as a_____.
(ii) As wise as a/an _____.
(iii) As green as _____.
(iv) As good as _____.
(v) As sharp as a _____.

9. Substitute the following by one word. **5x1 mark = 5marks**
(i) With one voice.
(ii) A speech given with preparation.
(iii) Liable to break easily.
(iv) A person who is made to take the blame due to others.
(v) A disease widely prevalent at a particular point of time.

10. Answer the following **20x1 mark = 20 marks**

(i) World Health Day is observed every year on
(A) 2nd February (B) 7th April (C) 15th March
(D) 8th December (E) None of the above

(ii) Which of the following is a computer language ?
(A) Cobol (B) Cosal (C) Gama
(D) Canon (E) None of the above

(iii) Dharavi in India is the largest of its kind in the world. What is it ?
(A) A cave (B) A river island (C) A slum in Mumbai
(D) A coal mine (E) None of the above

(iv) Which is the smallest planet in the solar system ?

(A) Uranus (B) Mercury (C) Mars
(D) Jupiter (E) None of the above

(v) In which field has Amartya Sen, a Nobel laureate, distinguished himself ?

(A) Physics (B) Philosophy (C) Economics
D) Chemistry (E) None of the above

(vi) Where is the headquarters of the UNO ?

(A) Geneva (B) The Hague (C) New York
(D) Paris (E) None of these

(vii) Who was the author of Das Kapital ?

(A) JM Keynes (B) Karl Marx (C) James Austin
(D) Adam Smith (E) None of these

(viii) TRAI stands for

(A) Telephone Regulatory Authority of India
(B) Telegram Regulatory Authority of India
(C) Telecom Regulatory Authority of India
(D) Telecom Regulation Authority of India
(E) None of these

(ix) What is the full form of IBM ?

(A) International Business Machines
(B) Indian Business Modifier
(C) International Business Modifier
(D) Indian Bureau of Mass Communication
(E) None of these

(x) Who is/are the founder/s of Microsoft ?

(A) Bill Gates (B) Paul Allen (C) Bill Gates and Paul Allen
(D) Bill Gates and Ray Ozzie (E) None of these

(xi) What is the full form of SMS ?

(A) Short Messaging Service
(B) Simplified Messaging Service
(C) Swift Messaging Service
(D) Short Messaging System
(E) None of these

(xii) With which one of the following games is 'Tiger Woods' associated ?

(A) Golf (B) Swimming (C) Tennis
(D) Table Tennis (E) Badminton

(xiii) Expand the term GSLV

(A) Geosynchronous Satellite Launch Vehicle
(B) Global Satellite Launch Vehicle
(C) Geosynchronous Station Launch Vehicle
(D) Global Station Launch Vehicle
(E) None of the above

(xiv) Which of the following terms is used in Cricket ?

(A) Centre forward (B) Goal (C) Love
(D) LBW (E) Bull's eye

(xv) With which one of the following activities are Golden Globe Awards associated ?

(A) Journalism (B) Social work (C) Peace initiatives
(D) Films (E) None of these

(xvi) With which one of the following sports is Narain Karthikeyen is connected?

(A) F-1 motor racing (B) Tennis (C) Badminton
(D) Table Tennis (E) Snooker

(xvii) The Government of India has set up seventh Indian Institute of Management, named the Rajiv Gandhi Indian Institute of Management, at

(A) Shillong (B) Bhagalpur (C) Bhopal
(D) Jaipur (E) None of these

(xviii) Who was known as the 'Lady with the lamp' ?

(A) Sarojini Naidu (B) Joan of Arc (C) Mother Teresa
(D) Florence Nightingale (E) None of the above

(xix) Who among the following was the first woman Chief Justice of a High Court in India ?

(A) Geeta Mukherjee (B) Leila Seth
(C) Sujata Manohar (D) Ruma Pal
(E) None of the above

(xx) Kimono is a dress style of which Asian country ?

(A) China (B) South Korea (C) Japan
(D) Thailand (E) None of the above

XXXXXXXXXXXXXXXXXXXXXXX

DATE: 20-04-2013.

MAIN EXAMINATION (2013) FOR DIRECT RECRUITMENT TO GRADE-I OF NAGALAND JUDICIAL SERVICE
PAPER-II (LAW)

Grade-I (Nagaland)

Duration – 3 hours

Marks - **100**

1. When a plaint filed in the Court can be returned. Explain the applicable procedure after return of the plaint. **15**

2. State the types of injunction and distinguish the principles governing granting of injunction. **15**

3. Right brief note of **any four** on the following : **10 X 4 = 40**

   (i) Role of Public Prosecutor.

   (ii) Difference between *Revision* and *Review* under the Civil Procedure Code.

   (iii) Ingredients of a valid WILL.

   (iv) Misjoinder of cause of action and non-joinder of necessary parties.

   (v) *Benami* and *Sham* transaction.

   (vi) Who can claim maintenance under Section 125 of Cr.P.C.? When it can be altered? How it can be enforced.

4. What is a public document. **5**

5. What is the procedure for recording confession? **5**

6. Answer very briefly in **4 or 5 sentences** the followings: **4 X 5 = 20**

   (i) When there is variation between Medical and Ocular evidence, which one gets primacy.

   (ii) When can a person apply for Anticipatory Bail and which Courts can grant anticipatory bail.

   (iii) Can a minor institute a Civil Suit in his/her own name.

   (iv) Difference between *Abduction* and *Kidnapping*.

DATE :- 21-04-2013.

WRITTEN EXAMINATION FOR DIRECT RECRUITMENT TO GRADE-I OF NAGALAND JUDICIAL SERVICE-2013

Total marks – 100
Time - 3 hours.

Paper- III

Constitutional law

Answer any 4 (four) questions: 10X4= 40

(1) Explain what is right of equality before law and equality of opportunity in respect of public employment with reference to reservation policy. 10

(2) State various modes of acquiring citizenship at the commencement of the Constitution. 10

(3) What is double jeopardy and what are the protections provided in respect of conviction for offences, with reference to life and personal liberty? 10

(4) Explain, with reference to fundamental duties of citizens of India, if fundamental rights are absolute? 10

(5) Which court is to be moved for enforcement of Fundamental rights and what powers can the court exercise in this regard? 10

Jurisprudence

Answer any 2 (two) questions: 10X2= 20

(1) Distinguish between ratio decidendi and obitar dicta.

(2) What is the distinction between right in rem and right in personam?

(3) What is malicious prosecution, Elucidate?

Judgment writing 40

(1) Write a judgment on the basis of materials supplied in the Paper book enclosed.

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PAPER BOOK

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

G.R. NO. 474/2004

1.Dist..Sivsagar...P.S. Sivsagar.....Year 2004.....

FIR No. 194Date...12/06/2004..... ....

2. (i) Act..... ....Sections...376 IPC.....

II) Act.....sections.....

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

iv) Other Acts & Sections.....

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

b). Occurrence of offence: Day.....Date.2003 Time...2..P.M.

b) Information received date 12.06.04....Time 8:30 P.M.

G.D. No..... at the Police Station. ...Sivsagar

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

5. Place of occurrence: Joysagar Demow Pathar

a) Direction and Distance from P.S.. About 8 K.M. East

b) Address...Mauza - Sala guri....

.....Beaf No.....

C). In case out side limit of this Police Station then the names of

P.S...Sivsagar.....District.....Sivsagar.....

6. Complainant/Informant :

a). Name.....Sri Ghanakanta Das.....

b). Father's name .....Lt. Akanman Das.....

C). Date/year of Birth.....

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

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

f) Occupation .....

g) Address...Joysagar Demow Pathar Ps. Sivsagar...Dist: Sivsagar.....

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

Sri Pramud Hazarika@Akoui

S/o Sri Gulap Ch. Hazarika

Joysagar Demow Pathar

P.s Sivsagar

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 of the complt is received through Honable Court and treated as FIR which is enclose here with.

13. Action taken: Since the above report reveals commission of offence (s) u/s as mentioned at item No.2, registered the case and directed*: S.I. Moni Mohan Singha to take up the investigation / transferred to P.S.....on point of jurisdiction.

F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant Informant free of cost.

Sd/ Illegible
12.6.04

(Seal)

Signature of Officer-In-Charge
Police Station with
* Name: Sri Pradip Borgohain
* Rank: .....Inspector.....
Number, if any .O/c Sivsagar P.S

Sri Ghana Kanta Das
Signature / Thumb impression
of the Complainant / Informant
13/06/04

In The Court Of The Executive Magistrate, Dist Sivsagar

Dated the 9th day of June,2003

Seen
Sd/ Illegible
Prosecuting Inspector
Sibsagar Distt
14.6.04

Sub: Ejahar

Complainant : Ghana Kanta Das
S/O Lt. Akanman Das
Village JoySagar Dimow Pathar
P.S And Dist : Sivsagar

Seen
Sd/- Illegible
C J M
Sivasagar
14.6.04

Ext. 1
Sd/- Illegible
1st Addl. Sessions Judge
Sivasagar
8.12.04

Sir,

Humble submission is that I am the father of Smti Jonmoni Das. She is now 16 years old. Around 2 PM one day in December, 2003 When nobody else was at home, my neighbor Golap Chandra Hazarika's son Promode Hazarika @ Akani committed rape on her and asked her not to tell anyone about the occurrence, threatening to kill her if she would do so.

Out of fear for her life my daughter maintained silence on the said incident. But when she was discovered to have been carrying for five months , the matter was revealed to me.

You are therefore requested to direct the Sivsagar PS to apprehend the accused and try him Accordingly.

This is my humble request to your honour.

Sd/ Ghana Kanta Das
O/c SVR P.S
For enquiry & illegible
Case as per appropriate to
Provision of law

Ext 1 (1)
Sd/ Illegible
08/12/2004
1st Addl. Sess. Judge
Srinagar

Received regd. SVR P.S. Case No. 194/04 u/s 376 IPC dtd.

12.6.04

Sd/-illegible

12.6.04

O/C SVR P.S.

Seal

Assam Schedule VIII Form No.247
High Court Criminal Process No.32

Sess Case No.120(S-S)2004

CHARGE WITH ONE HEAD

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

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

1) L. Hazarika. Addl. Session Judge

(Ad-hoc), Sibsagar.

Hereby charge you (1) Promod Hazarika.

as follows:-

(1)During the month of December one day at about 2 P.M. at village Demow Pathar gaon under Sibsagar police station you committed rape on Smti Junamoni Das having Sexual intercourse with her against her will and without her consent

and thereby committed on offence punishable under Section of 376

The Indian Penal Code and within (4) my cognizance.

And I hereby direct that you be tried (5) by the said charges the charge is read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

Sd/ Illegible
Dated this 21/09/2004
1st Addl. Session Judge,
Sivasagar

IN THE COURT OF JUDICIAL MAGISTRATE , 1st CLASS

SIVSAGAR

G.R. CASE NO. 474/2004

STATE

-VS.-

Sri Pramod Hazarika

COMMITMENT ORDER

Dated : 19.08.04

Accused Sri Pramod Hazarika has been produced before me from jail hajot the offence alleged against him is u/s 376 IPC. Which is exclusively trible by the Hon'ble court of Sessions. It is on record that accused was not granted bail till date. Be that as it ma ,y considering the nature of offence alleged the case record is committed to the court of Hon'ble Session Judge Sivsagar for trial along with C.D.

Let P.P be informed about the committal accused is directed to appear before the Hon'ble Sessions Judge Sivsagar on the date fixed to stand trial.

Fix 23.08.04 for app. Let committal papers be prepared forthwith.

Sd/ Illegible
Judicial Magistrate 1st class, Sivsagar

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W 1

aged about 51 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me L Hazarika ~~Anowar~~, Additional Sessions Judge(Ad-hoc), Sibsagar..... this..8.12.2004..... day of.....of.....

My name is.....Ghana Kanta Das.....

My father's name is.....Late Akanman Das.....

I am by caste.....My house is at Mouza.....

Police Station .....District.....

I reside at present in Mouza..... Demow pathar.....

Police Station ...Sibsagar.....District...Sivasagar.....

Where I am.....Peon General Insurance.

On S/A,

I know the accused Promod Hazarika. Jonmoni Das is my daughter. She is 16 years old now. She was born on 31.10.87. The occurrence took place in December 2003. In June 2004 when I found that Jonmoni was carrying for five months, I interrogated her. She said that she had become pregnant due to rape b y accused Promode. She further said

that Promode had threatened not to tell anyone about the rape and that because of that she had not told anyone about the occurrence. I filed an ejahar with the ADC, Sibsagar in connection with the occurrence. The ejahar was sent to Sibsagar P.S. Ext.1 is the ejahar and Ext.1(1) my signature. Police interrogated me and recorded my statement. They also had Jonmoni Das medically examined. Jonmoni gave birth to a male child on 29.08.2004.

XXXXX

I came to know of Jonmoni's pregnancy on 4 June, 2004. I submitted the ejahar on 9.6.2004. The filing of the case was delayed as I remained busy from the 4th to the 9th in trying to reach an amicable settlement. The very day on which I had lodged the ejahar with the ADC, I had lodged the same with the P.S. It is not true that (I lodged the ejahar with Sivsagar P.S. only on 12.6.04. it is not true that) keeping the ejahar with myself, I had threatened Promode's mother to the effect that if Promode refused to marry Jonmoni, I would lodge the ejahar with the P.S. In my statement to the daroga I said that I had filed the case when Promode refused to accept Jonmoni. The accused person's house is in front of mine. The houses of Dambaru Hazarika and Damboru Das are.

near that of mine. I do not have an amicable relation with Promode's father. It is not true that the allegation against Promode is false. It is not true that Jonmoni had not become pregnant by Promode. It is not true that Jonmoni is more than 18 years old.

Sd/ Ghana Kanta Das

RO & AC
Sd/ Illegible
8.12.2004
1st Addl. Sessions Judge
SIVASAGAR.

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W 2

aged about 42 years taken on oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me L Hazarika ~~Anowar~~, Additional Sessions Judge(Ad-hoc), Sibsagar..... this..3.1.2005..... day of.....of.....

My name is.....Smti Padmini Das @ Pamini.....

My father's name is.....W/o Ghana Kanta Das.....

I am by caste.....My house is at Mouza.....

Police Station .....District.....

I reside at present in Mouza..... Demow pathar.....

Police Station ...Sibsagar.....District...Sivasagar.....

Where I am.....House wife.

On S/A,

I know the accused Promode Hazarika. Jonmoni Das my second daughter. She is now 17 years old. When her menstruation cycle stopped on 17 Puh last year, I interrogated her. As her menstruation cycle had ceased, I

treated her with local medicines without knowledge Promode Hazarika's mother Banti Hazarika took Jonmoni to Kalugaon and had her examinedby a doctor there. When the doctor advised Promode's mother to have Jonmoni's urine examination, the latter did so. I took Jonmoni to Jaysagar Civil Hospital and had her examined by a doctor there. The doctor declared that Jonmoni was six month's pregnant. When asked, Jonmoni said that her pregnancy had been caused by Promode Hazarika. When I went to Promode to ask about that he tried to cut me with a dao. My husband lodged case with the P.S. Jonmoni gave birth to a male child on 5 Bhada last.

XXXXXX

There are houses of other people near that of ours. But none except Promode's family members have visiting terms with us. It is not true that Jonmoni is morethan 18 years old.

Sd/ Padmini Das

RO & AC.
Sd/ Illegible
3.1.2005
1st Addl. Sessions Judge
SIVASAGAR.

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W 3

aged about 16 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me L Hazarika Anowar, Additional Sessions Judge(Ad-hoc), Sibsagar,..... this..3.1.2005..... day of.....of.....

My name is.....Smti Junmoni Das.....

My father's name is.....Ghana Kanta Das.....

I am by caste.....My house is at Mouza.....

Police Station .....Dlstrict.....

I reside at present in Mouza..... Demow pathar.....

Police Station ...Sibsagar.....District...Sivasagar.....

Where I am.....Dependent.....

On S/A,

I know accused Promode Hazarika. I am now 16 years old. On 17 Puh last year I was alone at home at daytime. Around 2 O'Clock at daytime. Promode Hazarika came to our house and asked for water. I gave him a glass of water.Having drunk the water, Promode grabbed me by the

hand, took me to the bed room where he laid down on the bed and forcibly committed rape on me. When I struck him with my hand, he, too, hit me back. I had been wearing a set of 'Churidar' and 'top'. Promode took of my wearings and laying me down on the bed, took off his 'gamosa' whereupon he pu shed his penis into my vagina and committed rape on me. I told Promode's mother about his committing rape on me. The next day also Promode came to our house. When Promode tried to commit rape on me, I tried to shout, but he gagged me. After Promode had raped me, my menstruation period stopped. When I told Promode's mother of that, she took me to a doctor at Kalugaon who advised her to have my urine examined. I told my mother about the doctor's advise to have my urine tested. Mother took me to a doctor who examined me and declared that I had become pregnant. The doctor said that my pregnancy was six months' old. The doctor had examined me in Jeth. Four months after that I gave birth to a male child. Father filed a case. The police had me examined by a doctor and also had my statement recorded

by a Magistrate in court. Ext.2 is my signature made in the court and Ext.2(1) my signature.

XXXXXX

Q : There are houses near that of yours. If you speak or shout, the same can be heard from those houses, where was your 'nabou' (elder brother's wife)?

Ans: There are houses near that ours. But the people living there do not have good relation with us. They can hear if we talk and shout. 'Nabau' was not at home.

Q : Was Promode in the habit of visiting your house?

Ans: Yes, he was.

Q : Did you resist Promode from committing such act?

Did you raise any shout?

Ans: Yes, I tried but could not resist him. I raised shout.

Q : You told the daroga on the day of occurrence itself, you had informed your elder sister Deepamoni about the occurrence; that Deepamoni had immediately told Promode's mother and that there had ensured a quarrel over that matter. Is it true?

Ans: Yes.

Q : The villagers came to know of that quarrel. Is it true?

Ans: Yes.

Q : In your statement to the daroga you said that your father, family members and Promode's mother had quarreled for 5/6 months over that issue; that Promode's mother had charged at your father in order to assault him that she had a quarrel with your grandmother and that after the quarrel a case had been filed. What do you say?

Ans: Yes, I said so.

Q : Did you inform the P.S of the incident?

Ans: I did not inform the P.S I do not know if father had done so.

Q : You were more than 18 years old at the time of occurrence, but you falsely stated that you were only 16. What do you say?

Ans: I was 16 years old then and not 18 years.

Q : Promode had committed sexual intercourse with you enticing you with the promise that he would marry

you and that you had assented that. What do you say?

Ans: Promode did not have sexual intercourse with me with the promise to marry me. I had no assent to the sexual intercourse.

Q : Did your elder sister Rupamoni give birth to a child when she was still a spinster?

Ans Yes.

Q : No such incident as you have narrated did occure in the month of Puh, 2003

Ans: There was an incident.

Q : Promode did not exert any force. In order to have him as your husband, you had willfully allowed him to have sexual relationship with you. Later, when he refused, you filed false suit. What do you say?

Ans: Promode had committed forcible sexual intercourse with me. The allegation that with the intention of marrying Promode I had voluntarily allowed him to have sexual intercourse with me is false. The

allegation that I have filed a false case is also not true.

Sd/ Jonmoni Das

RO & AC
Sd/ Illegible
3.1.2005

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

S/C 120(S-S)04

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W 4

aged about 49 years taken on oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me, Sri K Dohotia, 2nd Additional Sessions Judge, Sibsagar

..... this..9.2.2005..... day of.....of.....

My name is.....Dr Taibur Rahman.....

My father's name is.....Late Habibur Rahman.....

I am by caste.....My house is at Mouza.....

Police Station.....District.....

I reside at present in Mouza.....Police Station.....

District.....Where I am.....Sr. M & HO, Sivasagar Civil Hospital.

On S/A,

On 14 .6 04 I was at Sivasagar Civil Hospital as Sr. M & HO.

On that day at 10.10 AM on police requisition the Smti. Sivasagar P.S vide letter no 194/04, I examined Jonmoni

Das D/o Sri Ghana Das of Demow Pathar under Sivasagar

P.S. She was escorted by : HG Smti Dulumoni Konwar.

Brief History –

Had sexual relation in the month of Puh. LMP –25th Aghone.

Findings :-

Her general behaviour normal with clear mental state.

Built & Nutrition – Fair built, weight 45 Kg Height 4'9".

Dentition - 31 no.s of teeth, 16 in upper jaw, 15 in lower jaw.

Development of hair – Auxilary and pubic hair plenty.

Breast - Breast enlarged with dark ariola milk secretion present.

Marks of violence – Absent.

Genitalia – Fully developed with plenty pubic hair. Hymen absent with marked tear.

Vagina – Capacious and bluish in colour

Abdomen – 24 week+pregnancy breech presentation with presence of fetal heart.

Vaginal smear examination – No spermatozoa.

Ultra sonography of the abdomen – Gynocologist Dr. R.K Hazarika reported that single intra uterine pregnancy of 26.4 weeks cervix 3.6 cm with changing position of the foetus. Fetal heart rate 144 per minutes.

X-ray examination of the left elbow and left wrist joint — Radiologist Dr. R.K Hazarika reported that complete fusion of epiphysis around the left elbow joint. Complete fusion of epiphysis around left wrist joint.

Opinion:- On examination of Smti Jonmoni Das I am of the Opinion that the age of the girl is above 18 years. She is carrying 16 weeks of pregnancy on the date of examination.

No sign of recent sexual intercourse is found.

Ext.3 is my report in 2 pages.

Ext.3(1) is my signature.

XXXXXX

The victim stated before me that she had sexual relation in the month of Puh. She had not stated the year.

Sd/ Taibur Rahman
9.2.05

RO & AC
Sd/ Illegible
2nd Addl. Sessions Judge
Sivasagar (Assam)
9.2.2005

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

S/C 120(S-S)04

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W 5

aged about 60 years taken on oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me, Sri K Dohotia, 2nd Additional Sessions Judge, Sibsagar

..... this..15.3.2005..... day of.....of.....

My name is.....Sri Lakheswar Das.....

My father's name is.....Late Maharaj Das.....

I am by caste...My house is at Mouza...Demow pathar...

Police Station .....District.....

I reside at present in Mouza....Police Station..Sivasagar..

District.....Where I am.....Day labour.

On S/A,

I know accused Promode Hazarika. I do not know the complainant. I also do not know his daughter Jonmoni Das.

I know nothing about the occurrence.

During their visit to the village in search of Promode, the police came to my house.

The members of the Mahila Samity produced

Promode at the P.S.

I do not know why the police came in search of

Promode.

XXXXX

Declined.

LTI of Lokheswar Das

RO & AC
Sd/ Illegible
2nd Addl. Sessions Judge
Sivasagar
15.5.2005

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

S/C 120(S-S)04

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W 6

in each

aged about 20 years taken or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me, Sri

Addnl. –

K Dohotia, 2nd Additional Sessions Judge, Sibsagar

..... this..15.3.2005..... day of.....of.....

My name is.....Sri Moni Rekha Hazarika.....

My father's name is.....W/O Sri Tilok Das.....

I am by caste...My house is at Mouza...Demow pathar...

Police Station .....District.....

I reside at present in Mouza....Police Station..Sivasagar..

District.....Where I am.....Home maker

On S/A,

I know accused Promode Hazarika.

Jonmoni Das is my 'nanad' (husband's younger sister).

I got married with Tilok Das some 1½ years ago.

After my marriage I came to know that Jonmoni Das, my husband's sister had been pregnant.

When asked, Jonmoni did not reveal the name of the person who had made her pregnant.

XXXXX

Declined.

Sd/ Miss Moni Rekha Hazarika (Das) . RO & AC
Sd/ Illegible
2nd Addl. Sessions Judge
Sivasagar.
15.3.05

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

S/C 120(S-S)04

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W 7

aged about 13 years taken on oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me, Sri K.Dohotia, 2nd Addhoc Additional Sessions Judge, Sibsagar

..... this..15.3.2005..... day of.....of.....

My name is.....Miss Jonaki Das.....

My father's name is.....Sri Ghana Kanta Das.....

I am by caste...My house is at Mouza...Demow pathar...

Police Station .....District.....

I reside at present in Mouza....Police Station..Sivasagar..

District.....Where I am.....Student of class IX

On S/A,

I know accused Promode Hazarika. Jonmoni Das is my elder sister.

Elder sister gave birth to a male child some seven months ago. About two months before the child's birth elder

sister said that she had become pregnant because of being raped by Promode Hazarika.

After the birth of the child my father filed a case against Promode in the P.S.

XXXXX

Declined.

Sd/ Miss Jonaki Das

RO & AC
Sd/ Illegible
2nd Addl. Sessions Judge
Sivasagar
15.3.05

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

S/C 120(S-S)04

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W 8

aged about 48 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me, Sri K Dohotia, 2nd Additional Sessions Judge, Sibsagar

..... this..7.5.2005..... day of.....of.....

My name is.....Sri Moni Mohan Singha.....

My father's name is.....(L) Kunja Bihari Singha.....

I am by caste...My house is at Mouza.....

Police Station .....District.....

I reside at present in Mouza...Police Station.....

District.....Where I am.....O/C Gaurisagar P.S

On S/A,

On 12.6.04 I was the officer-in-charge of Joysagar Police Out Post under Sibsagar P.S.

On receipt of Ext.1, the written ejahar from complainant Ghana Kanta Das that day, Pradip Bargohain, the O/C of Sibsagar P.S registered Sibsagar P.S Case No.

194/04 U/s 376 I.P.C against accused Promode Hazarika, and gave me the charge of investigation.

On receipt of the charge of investigation, I opened the case diary and started for the P.O. The P.O was complainant Ghana Kanta Das' house at Dimow Pathar Gaon.I examined the witnesses and also recorded the statement of Jonmoni Das, the victim girl and sent her to Sibsagar Civil Hospital for medical examination. I also sent her to Court with the prayer for recording of her statement U/s 164 Cr.P.C.

In the course of investigation I collected the medical report and a copy of the victim girl's statement made in the court. I arrested the accused Promode Hazarika and interrogated him.

Having found evidence against the accused for having committed offence punishable U/s 376 I.P.C, I submitted charge-sheet against him. Ext.4 is the charge-sheet and Ext.4(1) my signature.

XXXXX

Ext.1 is dated 9.6.04. On perusal it is found to have been lodged at the P.S on 12.6.04.

As per the ejahar, the occurrence took place in December, 2003.

The reason (for delay) in filling the ejahar was not mentioned.

The P.O is about 4 or 5 Kms away from Joysagar Police Out Post.

Sd/ Moni Mohan Singha

RO & AC
Sd/ Illegible
2nd Addl. Sessions Judge
Sivasagar
7.5.05

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

FORM OF RECORDING EXAMINATION OF ACCUSED

EXAMINATION OF ACCUSED PERSON

Session case no 120 (S-S) 04

(Section 313 of the Criminal Procedure Code)

The examination of..... ...the accused.....

Aged about ..18.years, taken before me Sri K. Dohotia , 2nd Adhoc Addl. Sessions Judge,at Sivsagar on the .....day of ....28/06/05 in the ....., interpreted by .....

My name is .....Sri Promod Hazarika .....

My father's name is ..... Sri Golap Hazarika.....

I am by caste .....and by occupation ....Service at pvt. firm

Sivsagar My home is at Mouza.....Police

Station....Sivsagar.....

District..... ....I reside at ... Demow Pathar

Joysagar

Q no 1. In her evidence adduced on 3.1.05 PW 3 Jonmoni Das adduced that around 2 P.M on 17 pu$h the previous year when she had been

alone at home, you had gone to their house and had asked for water . What do you say?

Ans:- It is a lie.

Q.2 Pw 3 further adduced that you had asked her for water , that she had given you a glass of water to drink; that having drunk the water, You had grabbed her by the hand whereupon you had taken her to the bedroom where laying her on the bed , You had committed rape on her by force. What do you say?

Ans: I did not do anything to Pw3 as has been alleged . She has adduced false evidence.

Q.3 Pw 3 further said that when she had hit you with her hands, you also hit her back. What do you say?

Ans: it is absolutely false.

Q.4. Pw3 further said that she had been wearing a pair of Churi dars' , that you had taken off her wearing; that you had then lain her on the bed, had taken off the 'Gamoxa' you had been

wearing and raped her by pushing your penis into her vagina. What do you say?

Ans: I did not rape pw3 in the manner as alleged. She has lied.

Q.5. Pw 3 also said that when during the time you had been committing rape on her , She had tried to raise shout, you had pressed her month shut. What do you say?

Ans:- This is absolutely false. I had not even gone to their house.

Q6. Pw 3 also said that after the rape by you, her menstruation cycle had stopped; that when she told your mother of that , She had got you examined by a doctor at Kalagaon who had advised her to get your urine tested. What do you say?

Ans: I know nothing about this.

Q.7. Pw3 further said that when her (Pw3's) mother had taken her to a doctor, the latter declared that she had developed pregnancy; That the

doctor had examined her in the month. of 'jeth' and that four month thereafter , She had given birth to a male child. What do you say?

Ans: I heard about her giving birth to a baby.

Q.8 Pw2 said in evidence that when he tried to interrogate you on the pregnancy of Pw3 , you had tried to cut him. What do you say?

Ans: It is a lie.

Q.9 Pw4 , Dr. Taibur Rahman adduced in evidence that on examination of Smoti Jonmoni Das at Sibsagar Civil Hospital on 14/6/04 as per police requisition he found her 26 week's pregnant What do you say?

Ans: I do not know.

Q:10 Pw5 adduced that the members of the Mahila Samity had produced you at the P.S. What do you say?

Ans: Yes.

Q11. Do you have anything to say of your own?

Ans: No, I am innocent.

Q12. Will you adduce defence witness?

Ans: No I won't.

Sd/ Promode Hazarika
Signature of accused

Sd/ Illegible
28/06/05
(Signature of Magistrate)

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

Sd/ Illegible
28/06/05
(Signature of Magistrate)

Case No. 120(S-S)04
Ext. 2
Sd/-Illegible
1st Addl. Sessions Judge
Sivasagar
3.1.05

Statement of the victim was Junmoni Das D/o Sri Ghana Kt. Das aged about 16 years R/O Demow Pathar Under Sivasagar P.S. inconnection with Sivasagar P.S. Case No. 194/04 u/s 376 IPC is recorded u/s 164 Cr. P.C. by Sri (Illegible) JMFC Sivasagar on 14.6.04

The victim girl is identified by WHG Miss Dulumoni Konwar.

On, S/A

I am now 16 years old. On 17 Puh last when there was nobody in our house, Promode Hazarika, a youth of our neighbourhood, forcibly committed rape on me. When I raised the issue to his mother, she didn't pay heed to that. Saying that she would first have me medically examined and then would do the needful, she spent six months. Disputes between our two families continued to rage over this matter. The day before yesterday Promode rushed at me in order to kill me. He also insulted my father and elder brother. When my grandmother raised the issue with his mother, the latter abused her in filthy languages. Promode had committed

39 46

forcible sexual intercourse with me. When I asked him to marry me, he refused. Legal action should be taken against the accd persons. Promode's mother said that she would not accede to our request even if we complained to the police. She said that I was carrying the fruit of another man's sin in my womb.

This is what I have got to say.

Sd/- Jonmoni Das

Case No. 120(S-S)04
Ext. 2(1)
Sd/-Illegible
1st Addl. Sessions Judge
Sivasagar
3.1.05

Sd/- Jonmoni Das

Case No. 120(S-S)04
Ext. 2(2)
Sd/-Illegible
1st Addl. Sessions Judge
Sivasagar
3.1.05

R.o. & A.C
Sd/-Illegible
Judicial Magistrate
1st Class Sibsagar
14.6.04

- 47 -

Case No. 120(S-S)04
Ext. 3
Sd/-Illegible
1st Addl. Sessions Judge
Sivasagar
9.2.05

Seen
sd/-Illegible
CJM
Sibsagar
22/6/04.

MEDICOLEGAL EXAMINATION REPORT SIVASAGAR CIVIL HOSPITAL

No. 71 Date.14.6.04
21/6/04

Hosp. Regd. No. 1495/04 Place:

Received the requisition from Sivasagar P.S. on 13.6.04 to examine the victim Smti Junmoni Das for age/evidence of recent signs of Sexual assault/pregnancy and to issue the necessary certificate concerned in Cr. Case No. 376 IPC with ref. Letter No. 194/04.....

The individual was accompanied by HC/PC/WPC/H.G. Smti Dulumoni Konwar, Miss Dulumoni Kowar.

Name of the individual: Junmoni Das Alleged Age:

Address: D/o Sri Ghana Das ; Demow Pathar

Consent of individual/parents: Sri Junmoni Das

Name and signature of the female attendant: Mrs. Mira Borgohain (A.N.M.) Mira Borgohain

Identification marks: 1. Scar mark left side of fore head.

2.

Date & time of Examination 14.6.04 (10.10 a.m.)

Brief History: Had sexual relation : Menarche

In the month of Puha : LMP 25 Aghun

Marital status: Unmarried/Married

General behaviour: Normal Mental State: Clear

Cloths : Changed/Unchanged : Findings:

GENERAL PHYSICAL EXAMINATION

1. Built & Nutrition: Fair 2. Weight 45 kg

3. Height 4' 9" 4 Teeth 8/8

8/7

5. Development of hair

Axilary: → Plenty

Pubic:

6. Breasts:

a). Development : Enlarged with dark areolia

b). Findings : Milk secretion (+)

7. Marks of Violence on the body: Absent

EXAMINATION ON THE GENITALIA

1. Development of genitalia Fully developed

2. Pubic hair: Plenty 3. Clitoris: Normal

4. Labia majora & Minora: Soft and fully developed

5. Fourchette: Normal 6. Hymen: Absent with healed scar 7. Vagina: Cpacious and bluish in colour

8. Injuries: Absent 9. Discharges and stains Leuomhoca +

10. Internal Examination P/Abdomen Ut 24 wks. Breach

FIts & R/d

LABORATORY INVESTIGATIONS

1. Vaginal smear Date 14.6.04 Name of Pathologist

Regd No. .....No. Spermetozoa ~~sear~~ seen

2. Prgnancy Test (H.C.G in urine): Name of Pathologist

ULTARSONOGRAPHY Name of Sonolgist Dr.

14.6.04 R.K. Hazarika

Single intrauterine pregnancy of 26.4 wk Cx 3.6 cm

Changing position FHR= 144/m

RADIOLOGICAL EXAMINATION Part X Rayed

Left elbow & left wrist jt.

X-Ray No. L=2 date 1.4.04 Name of the Rediologist

Dr. R.K.Hazarika

Report: Complete fusion of the epiphyses around the left

elbow jt.

Complete fusion of the epiphyses around the left wrist of jt.

OPINION

On examination of Junmoni Das I am of opinion that the age of the girl is above(18=Eighteen) years. She is carrying 26 wks. of pregnancy on the date of exam. No. sign of recent sexual intercourse is seen.

Enclosure: 1. X.Ray Report of left elbow & left wrist jt.

2. Vaginal smear report.

3. Ultrasonography report

4.

Case No. 120(S-S)04
Ext. 3(1)
Sd/-Illegible
2nd Addl. Sessions Judge
Sivasagar, Assam
9.2.05

Sd/--Dr. T.Rahman
Sr. Medical & Health Officer
Sivasagar Civil Hospital

Place : Sivasagar

Date: 14.6.04

Case No. 120(S-S)04
Ext. 4
Sd/-Illegible

7.5.05

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

CHARGE SHEET

District — Charge sheet No. 84/04

Police Station — In First Information No194/04

Dated : 23.6.04 — Date: 13.6.04

Name, address & occupation of COMPLAINANT

1

Sri Ghana kt. Das

S/o Lt. Akonman Das

Of Dimow pathar

P.S. Sivasagar

Dist. Sivasagar

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

45 - 50 -

In custody	On bail or recognizance
3	4

Sri Promud Hazarika

S/o Sri Gopal Hazarika

Of Demow pathar

P.S. Sivasagar

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.Sri Ghana kt. Das, S/o Lt. Akonman Das

Of Dimow pathar , p. S. SVR

2. Srimati Jun moni Das, D/o Sri Ghana kt. Das, of Do

3. Smti Padumi Das, W/o Sri Ghana kt. Das, of Do

4. Sri Bipul Deka, S/o Lt. Horendra Nath Deka, P.S. Do
Jayshree Gas Agency.

5. Sri Tilak Das, S/o Sri Diharam Das, of Dimow pathar P.S. Do.

6. Sri Lakheswar Das, S/o Lt. Maharaj Ds, of Do.

7. Smti Moni Rekha Hazarika

W/o Sri Tilak Das

Of Dimow Pathar

P.S. SVR

8. Smti Junaki Das, W/o Sri Ghana kt.Das

Of Do

9. Dr. T.Rahman, Sr. Medical & health Officer

SVR Civil Hospital

10. S.I.Mani Mohan Singha, I/C JSR O.P.

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

By filing a written ejahar through Sibsagar Court, Complainant Ghanakanta Das, S/o Lt. Akanman Das of village Dimowpathar, P.S. Sibsagar informed the P.S. that Promode Hazarika @ Agoni, son of Golap Hazarika of the same village had forcibly raped his (complainant's) daughter Smti Jonmoni Das in the month of December last; that he (accd) had asked the girl not to tell anyone about that, threatening to kill her if she did so and that the girl had become five months pregnant. On receipt of that ejahar, a case was registered and investigation held.

During inquest, sufficient evidence could be gathered against accd Promode Hazarika, S/o Golap Hazarika of village Dimowpathar, P.S. Sibsagar and he was found to have committed an offence punishable u/s 376 IPC.

Accordingly, the accd is hereby charge sheeted under the said section of IPC.

The court be pleased to fix a date and summon the witnesses named in column 6 to prove the veracity of the charge.

Copies of the victim's statement, X-Ray report and medical reports are attached herewith.

Case No. 120(S-S)04

Ext. 4(1)
Sd/-Illegible
1st Addl. Sessions Judge
Sivasagar
3.1.05

Sd/- Mani Mohan Singh, SI
I.O,
Jaysagar Police Out Post
23.6.04

Fdd. To the Hon'ble Court of CJM SVR through the PI SVR

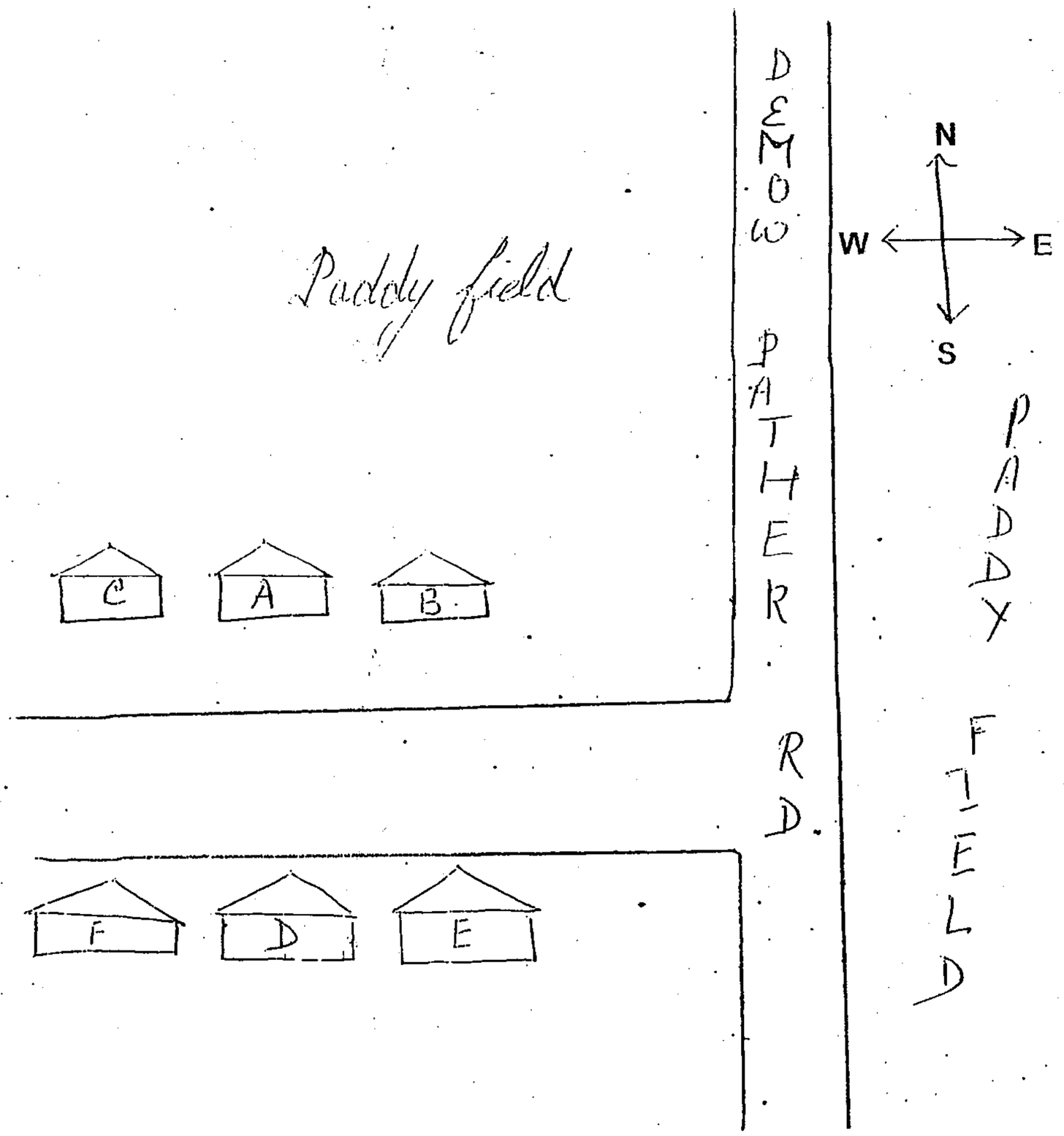
Court for favour of trial.

Forwarded
Sd/- Illegible
Prosecuting Inspector
Sibsagar
Assam
15/7/04

Sd/-Illegible
Inspector
Officer in Charge
Sibsagar Police Station
15.7.04

4794-

Rough Sketch map of the P.O.



1. A indicates the house of complt.

2. B indicates the house of Diganta Hazarika

3. C indicates the house of Tilok Das

4. D indicates the house of Promod Hazarika

5. E indicates the house of Arup Hazarika

6. F indicates the house of Dilip Das