

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram & Arunachal Pradesh)

Main Written Examination for direct recruitment to Grade-I of Assam Judicial Service

Duration: 3 hours

Total marks: 100

Date: 19-12-2015 (Saturday) Time: 9.00 AM to 12.00 PM

PAPER-I

Part – A

1. Write an essay: (Any one) 20
(a) Relationship between the Bench and the Bar.
(b) Look East policy of the Government of India.
(c) The role of Judiciary in India.
2. (a) Read the following passage and write a précis. 12
(b) Give a title of the précis. 2
(c) Indicate the number of words used by you in writing the précis. 1

"As daylight can be seen through very small holes, so little things will illustrate a person's character. Indeed, character consists of little acts, well and honourably performed in our daily life. One of the most marked tests of character is the manner in which we conduct ourselves towards others. A graceful behavior towards superiors, inferiors and equals is a constant source of pleasure. It pleases others because it indicates respect for their personality; but it gives tenfold pleasure to ourselves. Every man may, to a great extent, be a self-educator in good behavior, as in everything else. He can be civil and kind, if he will, though he may not have a penny in his purse. Even a kind look will give pleasure and confer happiness. Gentleness in society is like the silent influence of light which gives colour to all nature. It is far more powerful than loudness of force and far more fruitful."

(d) Expand the proverb. 10

"A rolling stone gathers no moss" **OR** "A man without purpose is like a ship without a rudder"

(e) Use each of the following words in two separate sentences, first as a noun and then as a verb: 3 × 5 = 15

(i) hunt (ii) wound (iii) discredit (iv) team (v) experience

Part – B

Direction (Q. Nos. 3 to 42):- Choose the most appropriate answer.

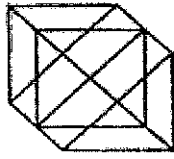
1 X 40 = 40

3. The Right to Education Act has been approved for implementation in the state of Assam. Assam is the _____ State in the country to implement the Act since passed in 2009?
[A] 10th [B] 19th [C] 15th [D] 12th
4. Kushal Konwar was sentenced to death by hanging during?
[A] Quit India Movement [B] Sepoy Mutiny
[C] Non-cooperation Movement [D] First World War

5. The sacred ashes of Gandhiji had been kept in the safe deposit locker of the State Bank of India in
[A] Mumbai [B] Cuttack [C] Shillong [D] Nagpur
6. The Indian Independence Act was passed by the British Parliament in
[A] January, 1947 [B] December, 1946
[C] August, 1947 [D] July, 1947
7. In what respect is the Assamese Ramayana by Madhab Kandali unique?
[A] It was published by a foreign publisher
[B] It is the first regional translation of the epic
[C] The character of Sita is shown in a negative aspect
[D] Characters are changed to familiar Assamese names
8. The first Assamese actress to win the Best Actress Award in the National Film Festival is
[A] Kashmiri Saikia [B] Mridula Barua [C] Malaya Goswami [D] Dr. Santana Bordoloi
9. Who among the following is the author of the book 'Assamese : its Formation and Development' ?
[A] Hem Barua [B] Dr. Banikanta Kakoti [C] Anandaram Barua [D] Dr. Maheswar Neog
10. Dr. Bhupen Hazarika was awarded with the Swarna Kamal as the best music director of the country at the 23rd National Film Awards in 1976 for his music in the film
[A] Rudali [B] Aparoopaa [C] Chameli Memsaab [D] Loti ghoti
11. The Kamrupa king who took part in the Mahabharata was
[A] Narakasur [B] Bhagadatta [C] Bhaskaravarman [D] Bajradatta
12. The Dighali Pukhuri in Guwahati was built by
[A] Harjaravarman [B] Narakasur [C] Bhagadatta [D] Bhaskaravarman
13. The Police Training College in Assam is situated at
[A] Dhubri [B] Kahilipara [C] Dergaon [D] Guwahati (Jalukbari)
14. The historic Assam Accord was signed between the Union Government and the Government of Assam with the All Assam Students' Union and the All Assam Gana Sangram Parishad on August 15, in the year
[A] 1983 [B] 1984 [C] 1985 [D] 1986
15. Who is the first Assamese writer to receive the Jnanpith award?
[A] Dr. Bhabendra Nath Saikia [B] Homen Borgohain
[C] Dr. Birendra Kumar Bhattacharya [D] Nalinibala Devi
16. Which of the following is not situated on the bank of the Brahmaputra ?
[A] Guwahati [B] Tezpur [C] Dhubri [D] Nalbari

17. Who amongst the following Ahom kings of Assam introduced the system of recording of land in state papers for the first time?
 [A] Siva Singha [B] Rajeswar Singha [C] Lakshmi Singha [D] Gaurinath Singha
18. The first Assamese monthly magazine 'Arunudai' was published in the year
 [A] 1833 [B] 1834 [C] 1835 [D] 1836
19. The first oil refinery in Assam was established at Digboi in the year
 [A] 1890 [B] 1895 [C] 1899 [D] 1901
20. Pobitora sanctuary is situated in which of the following districts?
 [A] Morigaon [B] Nagaon [C] Kamrup (Rural) [D] Golaghat
21. The book 'Courts and their Judgments' is written by
 [A] Amartya Sen [B] Arun Shourie [C] Nani Palkhiwala [D] Fali Nariman
22. Stephen Hawking is the author of which of the following books?
 [A] Cycles of Time [B] The Grand Design [C] A Mathematician's Apology [D] The Selfish Gene
23. Match the following scientists with their respective discoveries
- | | Scientists | | | | Discoveries |
|-----|-----------------------|-----|-----|-----|-----------------------------------|
| | (a) | (b) | (c) | (d) | |
| | (a) Ernest Rutherford | | | | 1. Nucleus |
| | (b) James Chadwick | | | | 2. Neutron |
| | (c) W.C. Rontgen | | | | 3. Radio activity |
| | (d) Albert Einstein | | | | 4. X-rays |
| | | | | | 5. Theory of photoelectric effect |
| | (a) | (b) | (c) | (d) | |
| [A] | 1 | 2 | 3 | 4 | |
| [B] | 1 | 2 | 4 | 5 | |
| [C] | 2 | 3 | 4 | 5 | |
| [D] | 3 | 4 | 5 | 1 | |
24. The Indian Scientist to have an equation named jointly after him and Albert Einstein was
 [A] J.C. Bose [B] S.N. Bose [C] Homi J. Bhaba [D] V. Sarabhai
25. The North-East Frontier Agency (NEFA) is the old name of which of the following states?
 [A] Assam [B] Nagaland [C] Mizoram [D] Arunachal Pradesh
26. The rear view mirror used in a motor vehicle is
 [A] Concave [B] Convex [C] Plane [D] None of these
27. DNA finger printing was developed by
 [A] Dr. Alec Jeffrey [B] James Watson [C] Francis Crick [D] Friedrich Miescher

28. Who amongst the following is the writer of the novel "Pita Putra"?
- [A] Dr. Mamoni Raisam Goswami [B] Dr. Bhabendra Nath Saikia
 [C] Shri Homen Borgohain [D] Shri Gautam Prasad Baruah
29. T.S. Thakur is the _____ Chief Justice of India.
- [A] 41st [B] 42nd [C] 43rd [D] 44th
30. The verdict on the 99th amendment to the Constitution and the NJAC Act, 2014 was pronounced by a bench comprising of:
- [A] Chief Justice H.L. Dattu, Justice J Chelameswar, Justice Madan B Lokur, Justice Kurian Joseph and Justice Adarsh Kumar Goel.
 [B] Justice Jagdish Singh Khehar, Justice J Chelameswar, Justice Dipak Misra, Justice Kurian Joseph and Justice Adarsh Kumar Goel.
 [C] Justice Jagdish Singh Khehar, Justice J Chelameswar, Justice Madan B Lokur, Justice Kurian Joseph and Justice Adarsh Kumar Goel.
 [D] Justice Jagdish Singh Khehar, Justice J Chelameswar, Justice Madan B Lokur, Justice Kurian Joseph and Justice Anil R. Dave.
31. The Supreme Court of India has been granted the power of Judicial review which was borrowed from the Constitution of
- [A] U.K. [B] France [C] Canada [D] U.S.A
32. "If India ever finds its way back to the freedom and democracy that were proud hallmarks of its first eighteen years as an independent nation, someone will surely erect a monument to of the Supreme Court". This is the only instance New York Times wrote an editorial about an Indian Supreme Court Judge. Who was the Supreme Court Judge?
- [A] K. K. Mathew [B] H.R. Khanna [C] V.R. Krishna Iyer [D] P.K. Goswami
33. A father tells his son, "I was of your present age when you were born." If the father is 36 now, how old was the boy 5 years back?
- [A] 20 [B] 17 [C] 15 [D] 13
34. The number to which 5 is added the result becomes 10 less than the double of the number. What is the number?
- [A] 5 [B] 10 [C] 15 [D] 15
35. If GOODNESS is HNNPCODTR, how is GREATNESS written
- [A] HQFUODTR [B] HQFZUMERT [C] HQFSMFRT [D] FSDBSODTER
36. A candidate should score 45% marks of the total marks to pass the examination. He gets 520 marks and fails by 20 marks. The total marks in the examination are
- [A] 1000 [B] 1100 [C] 1200 [D] 1400
37. Find the number of triangles in the given figure.



- [A] 18 [B] 20 [C] 24 [D] 27

38. Five persons were playing cards game sitting in a circle, all facing the centre. Mukund was to the left of Rajesh, Vijoy was to the right of Anil and between Anil and Nagesh. Who was to the right of Nagesh?

- [A] Rajesh [B] Vijoy [C] Anil [D] Mukund

39. Choose the correct alternative that will continue the same pattern and replace the question mark in the given series.

120, 99, 80, 63, 48 ?

- [A] 35 [B] 38 [C] 39 [D] 40

40. Find the odd man out.

3, 5, 11, 14, 17, 21

- [A] 21 [B] 17 [C] 14 [D] 3

41. Rasik walked 20 m towards north. Then he turned right and walks 30 m. Then he turns right and walks 35 m. Then he turns left and walks 15 m. Finally he turns left and walks 15 m. In which direction and how many metres is he from the starting position?

- [A] 15 m West [B] 30 m East [C] 30 m West [D] 45 m East

42. What percentage of 2000 gives 20?

- [A] 20% [B] 2% [C] 1% [D] 3%

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Space for rough work

IN THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam: Nagaland: Mizoram & Arunachal Pradesh)
Main Written Examination for direct recruitment to Grade-I of Assam Judicial Service, 2015.

Total Marks: 100 (One Hundred)

Time: 3 (Three) hours.

PAPER-II

GROUP-A

1. ½ x4=2
- (i) What is rule against perpetuity? Whether a covenant for presumption offends the rule against perpetuity?
- (ii) 'A' transferred a property to 'B' for life, and after his death, 'C' and 'D' equally to be divided between them, or to the survivor of them. 'C' dies during the life of 'B'. 'D' survives 'B'. In the event of B's death to whom the property will pass?
- (iii) Explain the meaning and distinction of vested interest and contingent interest. When does a contingent interest become a vested interest?
- (iv) 'A', a Hindu, who has separated from his father 'B', sells to 'C' three fields, 'X', 'Y' and 'Z' representing that 'A' is authorized to transfer the same and enters into a contract for sale with 'C'. Of these fields 'Z' does not belong to 'A' having been retained by 'B' on the partition; but on 'B's death 'A' as heir obtains 'Z'. State, if 'C' may require 'A' to deliver 'Z' to him, if so when and under what circumstances? State the principle of law.
2. 1x3= 3
- (i) What is the effect of transfer of immovable property with intent to defeat or delay the creditors of the transfer? Explain indicating the provision of law.
- (ii) How and under what circumstances transfer of immovable property can be effected?
- (iii) Whether a contract for sale of immovable property creates any interest of charge on such property?
3. 1½ x2=3
- (i) What is the basic difference between sale and mortgage?
- (ii) When and under what circumstances a mortgagor can exercise his power of redemption?
4. 1 ½ x 2=3
- (i) In what manner a transfer is effected in a gift of immovable property?

- (ii) Can there be gift of existing and future property and also in favour of unborn person?

5.

1 ½ x 2=3

- (i) Can there be transfer by one of the co-owners of an estate? If so, when and what is the effect of such transfer in respect of other co-owners?
- (ii) Can bonafide holder of property under defective title be evicted? If so, by whom and under what circumstances?

GROUP-B

1.

1 ½ x 2=3

- (i) What is res judicata and constructive res judicata? Whether the term 'former suit' denotes a suit instituted earlier or a suit decided earlier?
- (ii) Which Court(s) and under what circumstances can stay a proceeding and execution of a decree?

2.

½ x 4= 2

- (i) 'A' is a tradesman in Calcutta, 'B' carries on business in Delhi. 'B', by his agent in Calcutta, buys goods of 'A' and requests 'A' to deliver them to the East Indian Railway Company. 'A' delivers the goods accordingly in Calcutta. 'A' wants to sue 'B' for the price of goods. Indicate the place, where the suit can be filed.
- (ii) When and under what circumstances objection as to the place of suing can be allowed by an appellate Court?
- (iii) Whether objection regarding pecuniary jurisdiction can be raised before the revisional Court, if so, when?
- (iv) Whether recourse to inherent powers in the face of, or in conflict with specific provision of suit is permissible?

3.

½ x 6=3

- (i) 'A' lets a house to 'B' at a yearly rent of Rs.1200/-. The rent for the whole of the years 1905, 1906 and 1907 is due and unpaid. 'A' sues 'B' in 1908 only for the rent due for 1906. Can 'A', afterward, sue 'B' for the rent due for 1905 and 1907 or both? Explain with reference to the appropriate provision of law.
- (ii) When and under which provision of law a Court, issuing summons by registered post with acknowledgement due, can declare that the summons had been duly served?
- (iii) State the mode/manner in which summons can be served on a defendant, who is either avoiding service, or that for any other reason summons can't be served in ordinary way.

- (iv) What course is open to the plaintiff, if his suit is dismissed under rule 2 or rule 3 of Order 9 of the Code?
- (v) What order should a Court pass, if the notice of hearing is found to be refused by the Counsel on the ground that he is no longer in the case?
- (vi) Whether an ex parte divorce decree obtained against wife can be set aside at the instance of the aggrieved wife, even after the death of the husband? If so, under what provision of law and who should be brought on record as respondents?
4. 1x3=3
- (i) What are the questions which can be determined by a Court executing the decree? Explain with reference to the relevant provision of law.
- (ii) Can a judgment debtor plead new plea in execution proceedings?
- (iii) Whether execution of the decree can be refused, if so, when and under what circumstances?
5. 1x2=2
- (i) What relief is available to an appellant, whose appeal is dismissed under Rule 11 Sub Rule (2) or Rule 17 of Order 41 of the Code of Civil Procedure. State with reference to the relevant provision of law.
- (ii) When and under what provision of law an appellate Court can frame issues and refer them for trial to the original Court? State with reference to the provision of law, the duty of the Court from whose decree the appeal has been preferred.
6. 1½ x 2=3
- (i) Mention the documents registration of which is optional?
- (ii) Whether a family agreement is required to be registered?

GROUP-C

1. Write short notes on the following indicating the relevant provision of law and the exception, if any. 1x3=3
- (i) Victim
- (ii) Complaint
- (iii) Investigation
2. 1x3=3
- (i) Whether a wife, whose husband is living with another woman, would be entitled to claim maintenance allowance. In such a case, what plea should she take?
- (ii) Whether a woman, whose marriage is performed in accordance with the Hindu rites with a man having a living spouse, is entitled to get maintenance allowance?
- (iii) Whether an ex parte maintenance order can be set aside, if so, under which

provision of law?

3. Whether an Executive Magistrate can attach a property and appoint receiver? If so, under which provision of the Code and when? What is the relief available to the aggrieved person. 2
4. 1x3=3
- (i) State with reference to recent case law, the stage of proceeding and the procedure to be adopted by a Magistrate for causing an investigation under Section 156 Cr.P.C, in respect of a complaint?
- (ii) What is the procedure to be adopted by a Magistrate for issuing process in a complaint case, where accused person(s) is a resident of a place outside the jurisdiction of the Magistrate?
- (iii) 'A' was murdered by 'B' in 'C's house on 07.10.2015 at 9.30 P.M. 'C' rushed to the Police Station and orally informed that 'A' was killed by 'B' with a dao (sharp cutting weapon). Police made a G.D. entry. As it was a dark and raining night, Police visited the place of occurrence on the next date and on such arrival, 'B's wife 'D' lodged a written ejahar and Police registered a case under Section 302 IPC. Here, which one should be treated as FIR, the G.D. entry or the written information given by the wife of the deceased.
5. 1x3=3
- (i) Explain the evidentiary value of statements of witnesses, recorded under Section 161 Cr.P.C. and Section 164 Cr.P.C. Indicate the purpose for which such statements can be used in trial.
- (ii) When and under what circumstances a confession can be the basis for conviction?
- (iii) State with reference to the relevant provisions of law, the various factors which determines the jurisdiction of Court for trial.
6. 1x3=3
- (i) At what stage charge may be altered and what is the effect of alteration of charge?
- (ii) When can a Court of Sessions discharge an accused?
- (iii) What should be set out in a charge where 'A' is accused of giving false evidence at a given time and place?
7. 1x3=3
- (i) 'A' commits robbery on 'B' and in doing so voluntarily causes hurt to him. In what manner and for what offences 'A' may be charged and convicted of?
- (ii) 'A' exposes her child with knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. State under which provision of the Code and for what offence(s) of the Penal Code 'A' may be charged and convicted.

- (iii) 'A' states on oath before the Magistrate that he saw 'B' hit 'C' with a club. Before the Sessions Court, 'A' states on oath that 'B' never hit 'C'. Here, for what offence, if any, charge may be found against 'A'.

8. 1x3=3

- (i) What is the right of a victim in case of acquittal of the accused? State with reference to the appropriate provision of the Code.
- (ii) Can an appellate Court take evidence? If so, under which provision of the Code.
- (iii) Can a Sessions Court, dealing with a criminal appeal, pass order directing a Magistrate to take evidence?

9. 1 ½ x2=3

- (i) When and under what circumstances and to what extent a Sessions Judge, after delivering and signing the judgment, can alter or review the judgment?
- (ii) A Sessions Judge by writing and delivering a judgment acquitted the accused person in a case arising out of a Police report. The informant coming to know about the said acquittal, filed an application before the Sessions Judge seeking retrial of the matter or for examining some additional witnesses on the ground that some of the vital witnesses were not examined. Write with reference to the relevant law, if such prayer can be entertained.

10. 1x3=3

- (i) When and under which provision of law a Court can tender pardon to an accused?
- (ii) Can a Court holding trial proceed against any other person not being the accused? If so, when and under which provision of law?
- (iii) Can a Court holding a criminal trial call any person as witness after hearing the argument in the case? If so, under which provision of law.

GROUP-D

1. Write shorts notes on any three of the following: 1x3=3

- (i) Fact.
 (ii) Fact in issue.
 (iii) Document.
 (iv) Proved.
 (v) Evidence.

2. 1x3=3

- (i) On whom does the burden lie to prove the plea of alibi and under which provision of law the plea of alibi is admissible.

(ii) 'A' is accused of defaming 'B' by publishing an imputation intended to harm the reputation of 'B'. Here, whether the fact of previous publication by 'A' respecting 'B', showing ill-will on the part of 'A' towards 'B' is relevant?

(iii) When does existence of course of business become relevant fact?

3.

1x3=3

(i) State with reference to the relevant provision of law as to whether the confession made by accused while in custody of Police can be proved against him? Also indicate the exception, if any.

(ii) 'A' and 'B' are tried for the murder of 'C'. It is proved that 'A' said –“ B and I murdered C”. Whether the said confession can be considered against 'B'?

(iii) 'A' is on trial for murder of 'C'. There is evidence to show that 'C' was murdered by 'A' and 'B' and that 'B' said- “A and I murdered C”. Here, whether the said statement can be considered against 'A' and 'B'. State with reasons.

4.

1x3=3

(i) Whether admissions are conclusive prove of the matters admitted and if they may operate as estoppels?

(ii) 'A' and 'B' separately sue 'C' for a libel which reflects upon each of them. 'C', in each case, says that the matter alleged to be libellous is true, and the circumstances are such it is probably true in each case or is neither. 'A' obtains a decree against 'C' for damages on the ground that she failed to make out his justification. Whether the fact is relevant between 'B' and 'C'?

(iii) 'A' prosecutes 'B' for committing adultery with 'C', A's wife. 'B' denies that 'C' is 'A's wife. But the Court convicts 'B' of adultery. Afterwards, 'C' is prosecuted for bigamy in marrying 'B' during 'A's lifetime. 'C' says that she never was 'A's wife. Whether the judgment against 'B' is relevant as against 'C'?

1x3=3

5.

(i) Which facts are to be proved by oral evidence?

(ii) When does a copy transcribed from a copy become secondary evidence of the original?

(iii) When does a copy of registered document become admissible as secondary evidence?

6.

1x3=3

(i) Which documents are public documents?

(ii) 'A' agrees in writing to pay 'B' Rs.5,000/- on 1st March, 2017. Whether, the fact that at the same time, an oral agreement was made that the money should not be paid till the 31st March, can be proved?

(iii) 'A' sells 'B' a horse and verbally warrants him sound. 'A' gives 'B' a paper in

these words "Bought of A, a horse for Rs.500." Whether 'B' may be allowed to prove the verbal warranty?

7. 1x3=3
- (i) 'A' wishes to prove a dying declaration of 'B'. Here, what fact 'A' must prove.
 - (ii) 'A' accused of murder, alleges that, by reason of unsoundness of mind he did not know the nature of the Act. Here, on whom does the burden of prove lie and what type of insanity is to be proved.
 - (iii) 'A' is charged with travelling on railway without ticket. Whether 'A' has any burden to prove, if so, what?

8. 1x3=3
- (i) 'A' intentionally and falsely leads 'B' to believe that certain land belongs to 'A' and thereby induces 'B' to buy and pay for it. The land afterwards becomes the property of 'A', and 'A' seeks to set aside the sell on the ground that, at the relevant time of sale he had no title. Is he entitled to prove his want of title? Explain with reference to the relevant provision of law.
 - (ii) When and under what circumstances Court can presume that a person has committed the offence? Is such presumption hit by Articles 14 and 21 of the Constitution of India?
 - (iii) Whether principle of *falsus uno falsus omnibus* is applicable in criminal trial? Explain.

GROUP-E

1. Write short notes on the following: 1x3=3
- (i) Gaining wrongfully and losing wrongfully.
 - (ii) Dishonestly.
 - (iii) Fraudulently.

2. ½ x 6= 3
- (i) 'A' sees 'Z' commit what appears to be a murder. 'A', in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes 'Z', in order to bring 'Z' before the proper authorities. State, with reference to the relevant provision of law, if 'A' has committed any offence.
 - (ii) 'A' is at work with a hatchet; the head flies off and kills a man, who is standing by. Under what circumstances and which provision of law the act of 'A' is excusable?
 - (iii) 'A' is in a house which is on fire, with 'Z', a child. 'B' and 'C' standing below hold out a blanket. 'A' drops the child from the housetop, knowing it to be likely that the fall may kill the child, but not intending to kill the child and

intending in good faith, the child's benefit. Here, if the child is killed by the fall, whether 'A' can be held guilty. Explain with reference to the relevant provision of law.

- (iv) Is there any restriction in exercising right of private defence of body and property, if so, under which provision of law?
- (v) Can there be right of private defence against a person of unsound mind and to the extent of causing death?
- (vi) 'A', a public servant, is authorized by a warrant from a Court of Justice to apprehend 'Z'. 'B', knowing the fact and also that 'C' is not 'Z', willfully represents to 'A' that 'C' is 'Z' and thereby intentionally causes 'A' to apprehend 'C'. Here, who has committed what offence(s)?

3.

 $\frac{1}{2} \times 4 = 2$

- (i) 'A' instigates 'B' to instigate 'C' to murder 'Z'. 'B' accordingly instigates 'C' to murder 'Z' and 'C' commits that offence in consequence of 'B's instigation. Here who has/have committed what offence(s)?
- (ii) What are the essential ingredients of 'criminal conspiracy'?
- (iii) What is necessary to establish to bring home the charge of conspiracy within the ambit of Section 120B?
- (iv) Can there be conviction with the aid of Section 34 IPC in a case where the accused were charged with the aid of Section 149 IPC?

4.

 $1 \times 2 = 2$

- (i) State, when a conviction under Section 302 IPC can be converted to one under Section 304 IPC and what the provisions of penalty provided by Section 304 IPC?
- (ii) State with reference to the relevant case laws the circumstances and facts, under which death penalty can be awarded?

5.

 $\frac{1}{2} \times 6 = 3$

- (i) 'A' finds a ring lying on the road, not in possession of any person. Whether 'A' by taking the same committed any offence, if so, what offence?
- (ii) 'A' commits theft of property in 'Z's possession and, while committing theft, he has loaded a pistol under his garment, having provided this pistol for the purpose of hurting 'Z' in case 'Z' shall resist. Here, what offence, has 'A' committed?
- (iii) 'A' holds 'Z' down and fraudulently takes 'Z's money and jewels from 'Z's pocket without 'Z's consent. Here, what offence has 'A' committed?
- (iv) 'A', being on friendly terms with 'Z', goes into 'Z's library in 'Z's absence and takes away a book without 'Z's express consent, under the impression that he had 'Z's implied consent to take book for the purpose of reading it. 'A'

sells the book for his own benefit. Here, what offence has 'A' committed?

- (v) 'A' finds a government promissory note belonging to Z, bearing blank endorsement. 'A', knowing that the note belongs to 'Z', pledges it with a banker as a security for a loan, intending at a future time to restore it to 'Z'. Here, has 'A' committed any offence?
- (vi) 'A' finds a rupee on the high road, not knowing to whom it belongs, 'A', picks up the rupee. Has 'A' committed any offence?

GROUP-F

1.

$\frac{1}{2} \times 4 = 2$

- (i) Can a suit be instituted after the prescribed period of limitation, if so, when and under which provision of law?
- (ii) Indicate the cases in which the prescribed period of limitation can be extended by a Court.
- (iii) When and under which provision of law, a Manager of a Hindu undivided family, governed by the Mitakshara law, is capable of giving discharge in respect of execution of a decree without the concurrence of the other members of the family?
- (iv) Whether the provision prescribed by Section 5 of the Limitation Act includes a 'suit'?

2.

$1 \times 2 = 2$

- (i) When and under what circumstances the period of limitation will not begin to run in case of a suit or application based on fraud or mistake?
- (ii) When and under what circumstances an acknowledgement in writing will save the period of limitation?

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20-12-2015
9.00AM to 12.00PM

THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)
MAIN WRITTEN EXAMINATION (2015) FOR DIRECT RECRUITMENT TO GRADE-I
OF THE ASSAM JUDICIAL SERVICE

PAPER-III

Total marks: 100

Time: 3 hours

CONSTITUTIONAL LAW

1. Answer any two of the following: 15 X 2 = 30 marks
- (i) Discuss the object and scope of Article 21 of the Constitution of India.
- (ii) Discuss the directive principles of state policy.
- (iii) Discuss power of the Parliament to amend the provisions of the Constitution of India.

JURISPRUDENCE

2. Explain any two of the following: 10 X 2 = 20 marks
- (i) Doctrine of *stare decisis*
- (ii) Mischief Rule
- (iii) *Mens rea*

JUDGEMENT WRITING

50 marks

3. Write a judgement on the basis of the Paper-Book which is enclosed.

PAPER - BOOK

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Assam Schedule XL – A (Part-I), Form No. 137

FIRST INFORMATION REPORT

G.R. NO. 569/99

First information of a Cognizable Crime reported under Section 154,

Criminal Procedure Code at

Police Station...Dalgaon

SUB-DIVISION. Udalguri DISTRICT Darrang

Case No. 231/99 Date and hour of occurrence on 4.11.99 at
about 11.30 p.m.

Date and hour when reported:- 5.11.99 At 4 p.m.

Place of occurrence and

distance and direction from

Police Station :- No. 2 Kacharibhati top
Mza. East Sialmari
About 25 k.m East.

Date of despatch from Police

Station :- 6.11.99

N.B.: – A first information must be authenticated by the Signature
mark of thumb impression of informant attested by the
signature of the office recording.

(1) Name and residence of

Information and complainant :- Sri Makbul Hussain
S/o Lt. Mainuddin
No. 2 Kacharibhati top
P.S. Dalgaon

(2) Name and residence of

accused :- Un known

(3) Brief description of offence

with Section and of property

carried off if any :- U/S 448/302 IPC

(4) Steps taken regarding

investigation explanation of

delay in recording information :

(5) Result of the case :- S.I. Pradip Borah, I/C Silbari O.P.

has already taken up the investigation of

the case.

Sd/-Illegible

5.11.99

Seal

(FIRST INFORMATION TO BE RECORDED BELOW)

The written report received from the complt at P.S. through I/C
Silbori O.P. and treated as FIR which is enclosed herewith.

Note—The signature seal or Mark of informant should be affixed at
foot of the information.

Sd/-Illegible

5.11.99

Seal

Ejhar

To,

G.R. NO. 569/99.

The Officer-in-charge,

Sd/- illegible.
9/11/99.

Silbori Police Outpost.

Dated 5.11.99.

Complainant: Md. Mokbul Hussain

S/O Late Maizuddin

Of Vill:- No. 2 Kacharibhetitop.

P.S. Dalgaon, Dist. Darrang, Assam.

Sir,

Humble submission is that around 11:30 p.m. on 4.11.99 some assailants entered the house of my elder brother's son Md. Azizul Haque by opening the door and killed him by cutting his throat with sharp knife while asleep.

I, therefore, pray that your goodself would be kind enough to take necessary step upon investigating into the occurrence.

Yours faithfully,

Ext. 1 (1)

Sd/- Mokbul Hussain

Vill. No.2 Kacharibhetitop.

17/7/2001

Ext.1

Sd/- illegible

Sess. Judge,

Darrang, Managaldai

17/7/2001

Written the ejahar as stated by the complainant , read it over to obtained his signature upon finding it correct.

Written by :

Sd/-Illegible

5.11.99

Received the ejahar and entered vide Silbari O.P. G.D.E. No. 56 dt. 5.11.99 at 6 30 a.m. and forwarded to O/C Dalgaon P.S. for favour registering a case under proper Section of law. I have taken up the investigation of the case.

Ext. 1(2)
Sd/-Illegible
Sessions Judge
Darrang
3.2.03

Sd/-Pradip Barah,SI
Officer in Charge
Dalgaon Out Post
5.11.99

Received and Registered Dalgaon P.S. Case No. 231/99 U/S
448/302 IPC.

Ext. 1(3)
Sd/-Illegible
Sessions Judge
Darrang
3.2.03

Sd/-Pradip Barah,SI
Officer in Charge
Dalgaon P.S.
Darrang, Assam
5.11.99

Annex Schedule VIII, Form No. 247
High Court Criminal Process No. 82.

CHARGE WITH ONE HEAD

(No. XXVIII (1), Schedule V, Act V of 1888)

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

Sessions Judge
Darrang, Mangaldoi

(1) Name and office of Magistrate etc.

(1) I, Sri H.A. Hazarika, LL.B.,
Sessions Judge, Darrang,
Mangaldoi.

(2) Name of accused person.

herby charge you (2) Md. Abdul Latif

as follows:-

Charge read over and explained to the accused to which he pleaded not guilty and claimed trial.

That you on or about the 4th day of November, 1999 day of at about 11.30 P.M. at No. 2 Kacharibheti Toop under Dalgaon Police Station committed murder of Azizal Haque by intentionally causing his death by means of a knife which is a dangerous weapon

(H.A. Hazarika)

Sessions Judge
Darrang, Mangaldoi

and thereby committed an offence punishable under Section 302 of

(4) My cognizance for the offence is taken with the Indian Penal Code and within (4) my cognizance of the Court of Session.

(5) In Case tried by Magistrate and "by said Court." And I hereby direct that you be tried (5) by the said Court on the said charges

Dated this day of 198

Dated 16th Feb/2001.

Sessions Judge
Darrang, Mangaldoi

COMMITMENT ORDER PASSED BY SRI T. LOHAR JUDICIAL
MAGISTRATE, 1ST CLASS, UDALGURI IN CONNECTION WITH G.R.
CASE NO. 569/99 U/S 302/448 OF I.P.C. DATED 25.08.2000

ORDER

25.08.2000: Accused Abdul Latif is present. The copy of the case is ready and furnished to him. The case is u/s 302/448 of IPC and exclusively triable by the Court of Sessions. Hence the case is committed to the Court of the Sessions for trial against the accused person.

Let the entire case record along with its G.D., seized articles, original document, Exhibit etc. if any be forwarded to the Court of the Hon'ble District and Sessions Judge, Darrang at mangaldoi so as to reach the same to the said Hon'ble Court on or before the fixed date.

Accused Abdul Latif has been remaining on bail and with a petition praying for allowing him to remain on the said bail which is allowed with direction to appear before the Court of the Hon'ble District and Sessions Judge, Darrang, Mangaldoi.

Notify the Ld. P.P. Mangaldoi about the commitment of this case to the Court of Sessions.

Fix-25.08.2000

Sd/- (T. Lohar)
JMFC, Udaiguri.

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 1

aged about 73 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me H.A.

Hazarika Mld.this...17.7.01
.....day of ..

My name is Md. Moqbul Hussain
My father's name is Lt. Maizuddin SK
I am by caste My house is at Mouza... P/Sialmari
Police Station ... Dalgaon District.... Darrang
I reside at present in mauza ... Police Station.....
District Where I am Cultivator.
On S/A,

I know accused Abdul Latif. Deceased Aizul Hoque was my nephew (elder brother's son). Some one killed Aizul in his own house on 11.5.99. he was killed by cutting his neck. I did not see who killed him. From my house Aizul's house will be about three furlongs away. The occurrence took place at night. After the occurrence my nephew Jahirul went to my house with a run at night and woke me up by shouting. He too became unconscious at my courtyard. Having seen cut wounds in his hand, I went to Jahirul's house immediately. There I found Aizul on a 'chang' (a raised platform used as bed). His neck was being cut and right hand was broken. His neck was almost cut and there was spilled blood inside the house. In the morning I lodged ejahar Ext. 1 with Silbori Police Out Post. Ext. 1(1) is my signature. police recorded my statement during investigation of the

case. I saw blood in the wearings of Aizul's wife. I did not name anybody in the ejahar. I did not suspect anybody.

XXX (By Mr. G. Ahmed, Advocate).

The name of the wife of deceased Aizul is Halimon. Halimon said that her husband had vomited after his neck had been cut that night. After the occurrence, Jahirul, Halimon and Aizul's mother Jabeda and I stayed in the same house. Jahirul and his mother live in separate house in the same courtyard.

Sd/- Md. Moqbul Hussain.

R.O. & A.C.

Copied by-

Sd/- H.A. Hazarika.

{Sd/- Illegible}

Compared by

18.12.02.

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

Sess. 103(DM)2000

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 2

aged about 2 $\frac{2}{3}$ years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me H.A. Hazarika Sessions Judge, Darrang, Mld. this... 17.7.01
..... day of ...

My name is Musst. Halima Khatun
My father's name is Lt. Halimuddin
I am by caste My house is at Mouza... P/Sialmari
Police Station ... Dalgaon District... Darrang
I reside at present in mauza ... Police Station.....
District Where I am Household widow.
On S/A,

I know accused Abdul Latif. Deceased Aizul Hoque was my husband. One night about 1 ½ years ago, my husband and I were sleeping inside the house when accused Latif entered our house. He killed my husband by cutting his neck with dao. At that time our baby son was with us. When my baby cried out, I woke up and raised alarm. Then my husband's elder brother Jahirul came to the place of occurrence taking an open lamp in hand. I could recognize accused Abdul Latif when he flashed his torchlight. At the time of occurrence the accused was clad in black shirt and lungi. Blood coming out of my husband's neck stained my wearings. Police examined the dead body at the time of investigation of the case. They interrogated me. I stated before the police what I have stated today.

XXXXXX Cross

P.W. 1 is my husband's paternal uncle. He had come to the place of occurrence after about half an hour. Many other people also came

accompanying him. I told them that accused Latif had killed my husband. At the time of occurrence there had not been open lamp or lamp inside our house. Having heard groaning I could not find out the lamp. I also had not found the matchbox. I told PW-1 and other people that I could recognize the accused in the torchlight. It is not a fact that I did not tell anybody that I could recognize accused Latif in the light of the torchlight. At about 4 p.m., on the day of occurrence, I had had a quarrel with the wife of accused Latif. That very night the accused killed my husband. It is not a fact that I have given false evidence. It is not a fact that I have deposed falsely that I could recognize accused Latif in the flash of torchlight. It is not a fact that I have deposed falsely against accused Latif since I had had a quarrel with his wife that evening; and that I could recognize accused Latif in the flash of the torch light.

RTI of Hallma Khatun

R.O. & A.C.

Copied by-

Sd/- H.A. Hazarika.

(Sd/- Illegible)

Compared by

18.12.02.

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

Sess. 103(DM)2000

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 3

aged about 65/67 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me

~~with~~this.....day of

My name is Musst. Jabaida Khatun
My father's name is Lt. Dush Mamud
I am by caste My house is at Mouza... P/Sialmari
Police Station ... Dalgaon District... Darrang
I reside at present in mauza ... Police Station.....
District Where I am Household widow.
On S/A,

I know accused Abdul Latif. Deceased Aizul Hoque was my son. He was killed about 1 ½ years ago. He was killed at night. I was sleeping in a separate house. I did not see who killed him. My daughter in law Halima later told me the name of Latif. She told me that accused Latif had killed Aizul. She told my eldest son Jahidul too that Latif had killed her husband. I found darkness inside the house. There was no open lamp. I found Aizul resting against Halima's body. The entire place was red with blood. I saw cut injury in Aizul's neck. Police interrogated me during investigation.

XXXXXXXX

There had been darkness inside the house where the occurrence had taken place. Match and lamp had not been found. I had entered their room with an open lamp in hand. P.w.1 had come later. When P.W. 1 Makbul had come Halima had not told him that the accused had killed Aizul. Halima had told me in the morning that she had recognized accused Latif. P.W. 1 went to thana after I was told about that. I told P.w. 1 what Halima had told P.W. 1.

went
had gone to thana after that. It is not a fact that Halima had not told me that
Latif had killed Aizul.

RTI of Jabaida Khatun

R.O. & A.C.

Copied by-
{ Sd/- Illegible}
Compared by
18.12.02.

Sd/- H.A. Hazarika.
Sessions Judge, Darrang,
Mangaldoi.

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

Sess. 103(DM)2000

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 4

aged about 35/40 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me H.A. Hazarika Sessions Judge, Darrang, Mld.thisday of

My name is Md. Jahurul Hoque
My father's name is Lt. Alimuddin
I am by caste My house is at Mouza... P/Sialmari
Police Station ... Dalgaon District... Darrang
I reside at present in mauza ... Police Station.....
District Where I am Cultivator
On S/A,

I know accused Abdul Latif. Deceased Aizul was my younger brother. He was killed about 1 ½ years ago. When my daughter in law Halima cried out, I went to her house. The inside of the house was dark. Going there I found Aizul resting against Halima's body with his neck being cut. After that I went in a run to uncle Mokbul's house to tell him about the occurrence. (At this stage the witness is declared hostile).

XXXXXXXXXX By P.P.

Police interrogated me. I address the accused as 'mama' (maternal uncle) by village courtesy.

I did not tell the police. "At 11.40 p.m. my brother's wife called me as 'dada' (elder brother) and told me that she was not getting the match stick and that Latif had being running following two men after cutting the neck of my brother Aizul "Police held inquest over the dead body while investigating the incident. Ext. 2 is the inquest report and 2(1) is my signature. The statement that I have given false evidence in order to save

the accused since he is my neighbour, is not true. It is not a fact that I have deposed falsely in order to save the accused since I address him as 'mama'.

XXX By learned defence counsel.

The accused is not related to me. I call him 'mama' by village courtesy. In the morning my paternal uncle PW-1 Mokbul went to Silbori Police Thana to lodge ejahar there.

Sd/- Jahurul Haque.

R.O. & A.C.

Copied by-

{ Sd/- Illegible }

Compared by

18.12.02.

Sd/- H.A. Hazarika.
Sessions Judge, Darrang,
Mangaldoi.

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

Sess. 103(DM)2000

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 5

aged about 53 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of. 1878, before me H.A. Hazarika Sessions Judge, Darrang, Mld.this... 12.9.01 of ..

My name is Dr. Bhabani Prasad Khound

My father's name is Lt. P.K. Khound

I am by caste My house is at Mouza... Durandha (sic)

Police Station ... Dispur District.... Kamrup

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

District Where I am SDM & H.O. C.H. Mangaldoi

On S/A,

On 6.11.99 while I was at Mangaldoi C.H. as S.D.M & H.O. On that day I performed the P.M. examination on the dead body of Azizul Hoque a male aged about 30 on being identified by constable No. 284 Sri Deben Hazarika and Md. Jahurul Haque and Mokbul Hussain, relatives in reference to Silbori O.P. G.D.E. No. 56 dt. 5.11.99 and found as follows:

Eyes and mouth closed. Rigor mortis present.

On careful examination following injuries are found:

No. 1- A cut throat injury rectangular in shape measuring 10 cm x 5 cm up to laryngeal depth injuring trachea and larynx completely and major vessels, nerves and muscles.

The injuries are anti mortem in nature. In my opinion "The cause of death was due to haemorrhage and shock as a result of injuries sustained. Ext. 3 is P.M. Report. Ext. 3 is my signature.

XXX Declined by Ld. Advocate Mr. G. Ahmed,

Sd/- Dr. Bhabani Prasad Khound

R.O. & A.C.

Copied by-

Sd/- H.A. Hazarika.

Compared by {Sd/- Illegible}
18.12.02.

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

Sess. 103(DM)2000

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 6

aged about 29 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me B.C. Medhi, Sessions Judge, Darrang, Mld.this 4 ~~6~~ 2002
.....day of ..

My name is Hatem Ali
My father's name is Akkas Ali
I am by caste My house is at Mouza... Kacharhatitup
Police Station ... Dalgaon District... Darrang
I reside at present in mauza ... Police Station.....
District Where I am
On S/A,

I knew Azizul. He was living near my house. Accused Abdul Latif is in the dock today. I know him. He is my co villager. The occurrence took place on 5.11.99. At 11.30 p.m. I heard a hue and cry raised by Azizul's wife and brother. I went there and saw Azizul with his neck being cut. He was dead. I was not told who had killed him. Police arrested accused Abdul Latif after the occurrence. The accused gave a dao to police. But I did not see from where he produced the dao. I saw the dao in the hand of police. They seized the same. Ext. 4 is the seizure list. Ext. 4(1) is my signature. I saw the dao being seized in the village road. They took my signature there.

XXXXXXXXXX By P.P.

My house is to the west of Halimon's house. Halimon, the mother of the deceased and Jahirul had raised hue and cry.

I had been at the place of occurrence till the morning. Nobody told the name of the accused.

Mokbul had come during my presence there and stayed with me at the place of occurrence for the night.

Sd- Hatem Ali

R.O. & A.C.

Copied by-

(Sd/- Illegible)

Sd/- B.C. Mechi

Compared by

18.12.02.

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

Sess. 103(DM)2000

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 7

aged about 42 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me B.C. Medhi, S.J on 3.2.03 this.....day of ..

My name is Pradip Bora

My father's name is Keshab Ch. Bora

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

Police Station ... District.... Dhemaji

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

District Where I am S.I of Police Cemen Chapari
O.P. (Jonai P.S.)

On S/A,

On 5.11.99 I was the attached to Silbori Police Out Post within the jurisdiction of Dalgaon thana as Officer in Charge. On receipt of ejahar Ext.1 from Mokbul Hussain that day. I forwarded the same to Dalgaon thana for registering a case. Ext. 1(2) is my signature with note. The O/C of the thana registered a case and gave me the charge of investigation. Ext. 1(3) is the signature of the O/C, Dalgaon Shri Pradeep Baruah with his note there.

During investigation, I inspected the place of occurrence. The place of occurrence was the dwelling house of the deceased Azizul Haque at No.2 Kachari Bhetitop village. I found the body on the bed inside the house of the deceased. I prepared the inquest report. Ext. 2 is inquest report. Ext. 2(2) is my signature.

Holding inquest on the body I found its throat half cut from the front side. The pipe inside had been cut.

I sent the body to Mangaldoi Civil Hospital for P.M. Examination.

Having found Abdul Latif on 7.11.99 in his house, I arrested him. The accused told me that he had killed the deceased with a dao. He agreed to produce the dao. The accused produced the dao that very day from under water of a tank near his house.

I seized the dao. Ext.4 is the seizure list and 4(2) is my signature. Ext.4 (3) is the signature of Abdul Latif which he put on his own in my presence. Ext.5 is the statement of the accused. I myself recorded the same.

I recorded the statement of the witness and collected the Post mortem report.

After completion of investigation I submitted the chargesheet of the case.

I recorded the statement of witness Jahurul haque. He stated before me as under, " At 11:40 p.m. addressing me as "Dada" (Elder brother) my daughter-in-law told me that she was not getting the match stick upon search; that two men and following them Latif had been running away after cutting the throat of my brother Aizul."

XXX

I recorded the statement of PW-Mokbul Hussain at 9:30 a.m. on 5.11.99. I recorded the statement of PW-Hatem Ali that very day. That day also I recorded the statement of ^{P.W.} Jahirul Haque. PW-Hatem (PW-6) and witness to the seizure list—Nurul Huda, Abdul kasem and Idrish Ali were present when the accused produced the dao.

It is not a fact that Ext.5 is not the statement of the accused. It does not bear the signature of the accused.

Sd/- Shri Pradeep Bora.

S.I.

R.O. & A.C.

Sd/- B.C. Medhi

3.2.03

Sessions Judge, Darrang,
Mangaldoi.

Assam Schedule VIII Form No. 99

High Court Criminal Forms No. (M)85

FORM OF RECORDING EXAMINATION OF ACCUSED

EXAMINATION OF ACCUSED PERSON

(section 313 of the Criminal Procedure Code)

The examination of *Accused*

Age about 33 years taken before B.C. Medhi, Sessions Judge
Magistrate of theclass aton the 19.2.03day
of in the language, interpreted by.....

My name is Abdul Latif

My father's name is Lt. Jaynal Abedin

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

My home is at MauzaPolice Station Dalgaon

District.....I reside at No. 2 Kacharibhetitop

Q.1: It is out in the evidences adduced by the witnesses that
at night on 4.11.99 you killed Azizul Haque at Kacharibhetitop. What
do you say?

Ans. I did not kill him.

Q.2: P.W.2 Halima Khatun has stated in evidence that at the
time of occurrence she was sleeping with her husband (deceased) in
the same bed. What do you say?

Ans. I do not know.

Q.3: The same witness has stated in evidence that with her
own eyes she saw you cut the neck of her husband with a dao.

Ans: The evidence is false.

Q. 4. ^{This} ~~The~~ witness has further stated in evidence that in the flash of the ^{Torch} light she could recognize you at the time of occurrence. What do you say?

Ans: The evidence is false.

Q. 5. ^{P.W-2 Halima} ~~The~~ witness and PW-1 Mokbul Hussain have stated in evidence that the blood from the deceased stained the wearings of the PW-2. What do you say?

Ans: I do not know.

Q. 6. PW-2 has stated in evidence that you cut the neck of the deceased; and that PW-5 Dr. B.P. Khound found the said cut injury on the body while holding post mortem examination on it. What do you say?

Ans: I do not ^{know} about that.

Q. 7. PW-1 Mokbul, PW-3 Jabeda and PW-4 Jahurul have stated ~~that~~ in evidence that they saw cut injury in the neck of the deceased; and that PW-7 S.I. P. Bora mentioned about that while preparing the inquest report. What do you say?

Ans: I do not know.

Q. 8. PW-7 S.I. P. Bora has stated in evidence that you produced the dao with which you had caused the incident, from under water of a tank near your house. What do you say?

Ans: I did not produce the dao.

Q. 9. ^{has} PW-7 ~~has~~ stated in evidence that he seized said dao by Ext.4, PW-6 Hatem Ali has supported the said statement. What do you say?

Ans: I do not know.

Q.10. In his evidence PW-7 has stated that Ext.4 (3) is your signature in the seizure list Ext. 4. What do you say?

Ans: I do not remember when I put my signature.

Q.11. It is out in evidence that before producing the dao, you had given statement Ext. 5 before PW-7, the Police Officer. What do you say?

Ans: No. I did not make any statement and made any confession.

Q.12. Will ^{you} say anything in defence?

Ans: In the evening of the day of occurrence a quarrel had taken place between my wife and Halima. I rebuked her. She left after that. I had informed the deceased of the same. On that grudge this case has been filed against me.

Sd/- Abdul Latif.

R.O. & A.C.

Sd/- B.C. Medhi

19.02.03

Sessions Judge, Darrang,
Mangaldoi.

Sd/- Abdul Latif

Signature & mark of the Accused

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

Signature of the Magistrate

Copied by- Sd/- Illegible
13.06.03
Compared by- Sd/- Illegible
13.06.03

Sd/- B.C. Medhi
19.02.03,
Sessions Judge, Darrang,
Mangaldoi.

Certified to be true copy
Sd/- Shri Megho Ram Bora
17.06.03
Sheristadar,
District & Sessions Judge,
Darrang, Mangaldoi.

Assam Schedule VIII Form No. 99

High Court Criminal Forms No. (M)85

FORM OF RECORDING EXAMINATION OF ACCUSED ON SENTENCE

EXAMINATION OF ACCUSED PERSON

(section 313 of the Criminal Procedure Code)

The examination of *Accused*.

Age about 33 years taken before B.C. Medhi, Sessions Judge

Mangaldoi, of theclass aton the 4.4.03

.....day of in the language, interpreted by

My name is Abdul Latif

My father's name is Late Jaynal Abedin

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

My home is at MauzaPolice Station Daigaon

District.....DarrangI reside at No. 2 Kacharibhetitop

Q. You have been convicted since the case filed against you has been established. What do you say regarding the jail term or fine to be imposed on you?

Ans. I have my wife and four children. I maintain them with my labour. I am illiterate. I pray to be excused.

Sd/- Abdul Latif

Signature & Mark of the accused

Sd/- B.C. Medhi

Sessions Judge

Darrang, Mangaldoi

Signature of the Magistrate

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

Signature of the Magistrate

Copied by- Sd/- Illegible
13.06.03
Compared by- Sd/- Illegible
13.06.03

Sd/- B.C. Medhi
19.02.03.03
Sessions Judge, Darrang,
Mangaldoi.

Certified to be true copy
Sd/- Shri Megho Ram Bora
17.06.03
Sheristadar,
District & Sessions Judge,
Darrang, Mangaldoi.

Ext. 2
Sd/-Illegible
Sessions Judge
Mongaodoi

INQUEST REPORT

Ref: Silbori Police O.P. G.D.E. No. 56 dt. 5.11.91

I, Shri Pradeep Borah, S.I. O/C Silbori Police Station along with my staff, hereby arrive at Kacharibhetitop Gaon, the place of occurrence, and hold inquest over the dead body of Azizul Haque upon its identification by Md. Jaharul Haque, the elder brother of the deceased and S/o Lt. Alimuddin in presence of the witness as follows:

The deceased is a male of 30 years. The deceased is found lying supine on a bamboo bedstead which is in the northern side of a thatched house. The house is standing in North South direction in the eastern side of the compound of the deceased. The body is lying with its head to the west.

The neck of the deceased is found half cut from the front side. The throat of the deceased is also found severed and smeared with blood. The body of the deceased is found half covered with a 'ketha' (a hand women cloth used as bed cover). The wearings of the deceased consist of full sleeved vest. Which is found soaked in blood. Hairs of the deceased is black and is one inch long. Eyes are half closed. Mouth is closed. Nose is in normal condition. Now the 'ketha' is removed and the deceased is found clad in a white checked lungi and the same is smeared with blood. Hands are lying parallel to the body. The left leg is found slightly bent to the north. Hands are found normal and half fisted. Removing the clothes now the deceased is examined turning it over and over again and no

other injury is found in his body. The penis and anus of the deceased are normal. Both the legs are in normal condition. The right leg is lying straight. Although it is known that the deceased died of the injuries sustained, yet in order to ascertain the actual cause of death, steps are being taken to send the body to Mangaldoi Civil Hospital for P.M. examination and do hereby complete the inquest in presence of the witnesses.

Sd/-Pradeep Bora, SI

Silbori O.P.

Witnesses

5.11.99

- | | |
|---------------------------------|--------------------------------|
| 1. Sd/-Nazrul Haque | Ext. 2(2) |
| No. 1 Kacharibhetitop | Sd/-Illegible |
| S/o Lt. Alimuddin | 3-2-03
S. Judge, Mangaldoi |
| 2. Sd/- Abdul Kasem | Ext. 2(1) |
| S/o Lt. Yusuf Ali | SD/-Illegible |
| No. 1 Kacharibhetitop | 17-7-01
S. Judge, Mangaldoi |
| 3. Sd/- BAsiruddin | |
| S/o Lt. (illegible) | |
| 4. Sd/- Abdul (illegible) | |
| No. Kacharibhetitop | |
| All are within the jurisdiction | |
| Of Dalgan thana | |
| 5. Sd/-Illegible | |

Ex. 3
Sd/-Illegible
12-9-2001

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

POST MORTEM REPORT

Station : Mangaldoi Civil Hospital

Day of :- 6th Nov/99

Ref : Silbari O.P. G.D.E No: 56 subd. 5-11-99

Name, Sex, age and caste : Md. Azizul Haque

Age about 30 years, Caste Muslim

Whence brought

Village and Thana : no 2 Kacheri bheti Top P.S Dalgaon

Name of constable by

whom brought and names

of relatives accompanying : C/284 Deben Hazarika

Md Jaharul Haque

Md Makrul Hussain

DATE AND HOUR OF

Despatch : 5-11-99 at 12.30 p.m

Arrival at dead house : 6-11-.2001 at 10.00 a.m.

Examination : 6-11-.2001 at 12 M.D .

Information furnished by

Police. : As per inquest report. and dead body challan

By whom identified before

Medical Officer : by Constable and relatives.

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 etc. : dead body of a male aged about 30. yrs with

eyes and mouth closed.. Rigomortis present .

on careful examination the following injuries, are found on his person

A cut throat injury rectangular in shape 10cm x 5cm up to laryngeal depth injuring, trachea, ^{completely} contuse, larynx ^{completely} contuse and major vessels, nerve muscles.

2. Wounds - position, and character.

3. Bruise Position size and nature.

4. Mark of ligature on neck

Dissection, etc.

II. CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae : Healthy

2. Membrane : Healthy

3. Brain and spinal cord : Healthy

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

III. THORAX

1. Walls ribs and cartilages : Healthy

2. Pleurae : Congested.

3. Larynx and trachea : as described.

Right lung : Congested

Left lung : Congested

Pericardium : Healthy.

Heart : empty

Vessels : pale

IV. ABDOMEN

1. Walls : Healthy

2. Peritoneum : Healthy.

3. Mouth, pharynx, oesophagus : Healthy.

5. Stomach and its contents : Contain undigested food particles.

5. Small intestine and its contents : distended with gas

6. Large intestine and its contents : distended with gas and contains faecal matter.

- 7. Liver Healthy
- 8. Spleen Healthy
- 9. Kidneys Healthy.
- 10. Bladder Empty
- 11. Organs of generation external
and internal : intact.

V. MUSCLES, BONES AND JOINTS

- 1. Injury : as described
- 2. Disease or deformity : as described
- 3. Fracture : as described.
- 5. Dislocation as described

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

The injuries are anti mortem in nature

Age of injuries -24-48 hrs

ASSISTANT SURGEON

OPINION OFAS TO CAUSE OF DEATH

SUB - ASISTANT SURGEON

In my opinion the cause of death is due to hemorrhage and shock as a result of injuries sustained .

Ext. 3(1)

Sd/-illegible

Sd/-Illegible

Seal

12-9-2001

ASISTANT SURGEON OF

Civil Hospital

The 6th day of nov/1999

REMARKS BY CIVIL SURGEON

I agree

Sd/-Illegible

11-12-99

The day of

Signed.....

Civil Surgeon of . .

Copy of Seizure List:

Ref: Dalgaon P.S. C/ No. 291/94

U/S 448/302 IPC.

I, S.I. P. Bora I/C Silbori O.P. do hereby seize the following articles in conn with above noted case which was recovered on being led by a/cd Md. Abdul Latif S/O Lt. Jainal Abedin of No. 11 Kacharibhetitop P.S. Dalgaon. The seizure is made in presence at below seized wits.

Name of seizure:

1. A curved dao with wooden handle. The dao is about $1\frac{1}{2}$ ft. long with its handle.

Wits:

1. Sd/- Md. Nurul Huda
S/O Late Rajab Ali
VIII. Kacharibhetitop.
2. Sd/- Md. Abdul Kasem
S/O Late Yusuf Ali Munchi
3. Sd/- Md. Hatem Ali
S/O Md. Akkas Ali
VIII. No.2 Kacharibhetitop.
4. Sd/- Md. Idrish Ali
S/O Late Iman Ali

Art. 4(2).
Illegible
Sessions Judge
Darrang

Sd/- Pradeep Bora, S.I.,
I/C Silbori O.P.
e/ No.3 kacharibhetitop
P.S. Dalgaon
Dt. 7.11.99.

Exhibit-5
Sd/- Illegible
Sessions Judge, Darrang
3/2/03

Dated: 3.02.3003

Statement u/s 161 Cr.P.C. forwarded herewith

Md. Abdul Latif

S/o Late Joinal Abedin

Vill. No. 2 Kacharibhetitop

P.S. Dalgaon.

My name and address are same as stated above. On being asked I say that I killed Aizul Hoque is true. As he has illicit relation with my wife, I killed Aizul Hoque by cutting throat with a Dao while he was sleeping in his room entering into his room by opening door. Thereafter I have kept the said Dao in a pond nearby my house. There was nobody with me in this incident and I can find out the said Dao.

Note: Abdul Latif has confessed this murder in front of me. Along with this he said that he can show the said Dao by which he killed. Therefore I have gone and tried to rescue the said Dao with him. Now I have started to No. 1 Kacharibhetitop village along with my colleagues and the accused.

Ext. 6
Sd/- Illegible
Sessions judge
Darrang
3-2-03

CHARGE SHEET

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

District: Darrangi Charge sheet No. 7/2000 Dtd. 9.2.2000
Police Station Dalgaon in First Information No. 231/99 Dtd. 5-11-99

Name, address & occupation of COMPLAINANT

1

Md Mokbul Hussain

S/o Moizuddin
Vill.no 2 Kachari ^{bhete} top.

Names & addresses of accused persons not sent up for trial whether arrested or not arrested including absconders.

[Show absconders in red ink]

1. Jamir Ali 2. Nur Jamal

2

Names and addresses of accused persons sent up for trial

In custody

On bail or recognizance

3

4

Md Abdul Latif

S/o Lt Joynal Abedin

Vill no 2 Kacheri bhete Top P.S Dalgaon

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

5

MR.No64/1999

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

6

1. Md Mokbul Hussain S/o Lt Moizuddin,
2. Musst Halima Khatun W/o Lt Izul Haque
3. Md Jahrul Hoque S/o Lt Halimuddin
4. Jabeda Khatun W/o Lt Halimuddin
5. Md Hatem Ali S/o Akkas Ali
6. Md Mofiz Uddin S/o Md Abdul Hamid

All are residents of Vill no 2 Kacheri bhete Top P.S Dalgaon

7. Dr B P Mout, M & H.O, Mangaldai Civil Hospital
8. S I Pradip Borah I/C O.C.Silbori P.S

7. Charge & information, nature of offence and circumstances

The brief story of the charge sheet is that on 5.11.99, in the morning Md. Mokbul Hussain, S/o Lt. Moizuddin of village Kacharibhetitop lodged and FIR stating interalia that on 4.11.99 at about 11.30 p.m. some unknown miscreants have killed my nephew by dagger by opening the door of his house and accordingly the same is investigated vide Dalgaon P.S. Case No. 231/99 U/S 448/302 IPC.

During investigation statements are taken with witnesses one was seized and from Post Mortem report it is seen that the case U/S 302 IPC is well established against the arrested person Abdul Latif S/o Lt. Joynal Abedin of village No. 2 Kacharibhetitop and hence charge sheet is filed against him. During investigation, the arrested person (1) Md. Jamir Ali, S/o Ab. Razzak , (2) Md. Nur Zamal were given final report.

Seizure list is annexed herewith. Witness of Ext. 6(1) will prove the case.

Ext. 6(1)
Sd/-Illegible
Sessions Judge
Darrang
3.2.03

Sd/-Pradip Bora
S.I of Police
I/O, Silbori Police O.P.

Forwarded to S.D.J.M (Sadar) submitting the case in C.S. U/S 448/302 IPC against the arrested accused.

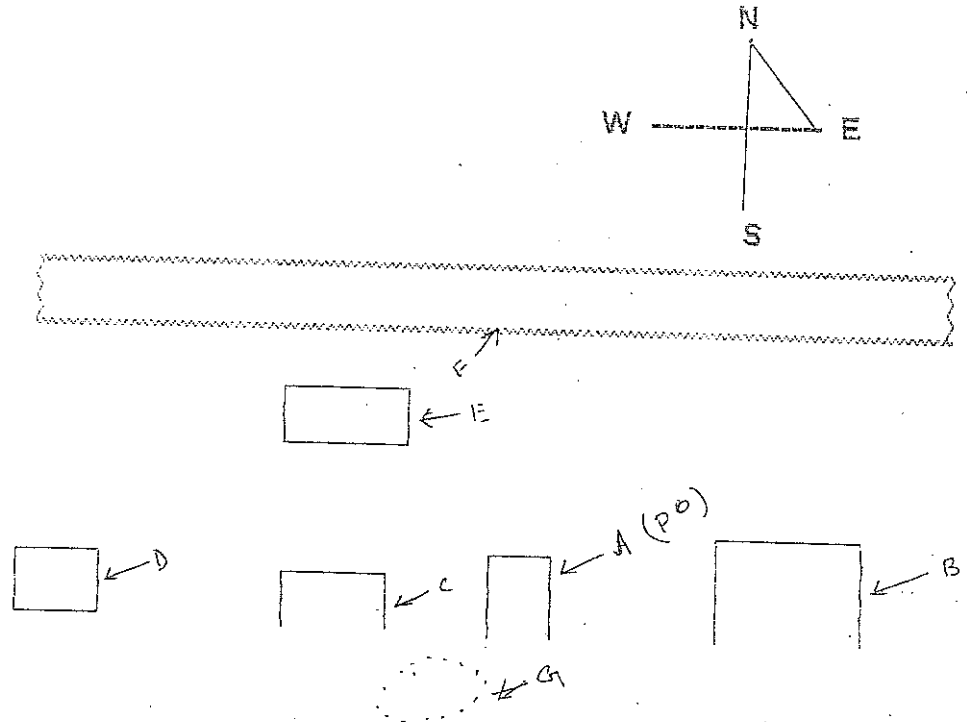
SD/-Illegible

Officer in charge

Dalgaon P.S.

Darrang, Assam

3.3.2000



SKETCH MAP OF PLACE OF OCCURANCE

1. A - Place of occurrence i.e. House of Aizul Hoque
2. B- House of Hofizuddin Ahmed situated on the eastern side of place of occurrence.
3. C- Dwelling house of Md. Joherul Hoque, elder brother of deceased Aizul Hoque.
4. D- Md. Hatem Ali
5. E- Dwelling house of Mustt. Jabeda Khatoon
6. F- Village path passing through the village towards No. 2 Kacharibeti top.
7. G- Courtyard of backside of the house of deceased.

Prepared by

Sd/- illegible

5.11.99

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

Main Written Examination for direct recruitment to Grade-I of Assam Judicial Service

Date : 20.12.2015(Sunday)

Paper -IV(অসমীয়া)

Time 1.00 P.M. to 3.00 P.M.

Total 50 marks

Duration 2 hours

১) তলত উল্লিখিত যি কোনো এটা বিষয়ৰ ওপৰত এখন ৰচনা লিখকঃ ১০

- (ক) ভাৰতীয় সংবিধানত ধৰ্ম নিৰপেক্ষতা।
(খ) বিদেশী ন্যায়ালয়ৰ কাৰ্যপ্ৰণালী।
(গ) চৰকাৰী ধনৰ অপচয় আৰু ত্ৰুটিচাৰ।
(ঘ) অসমলৈ বিশেষ ৰাজ্যৰ মৰ্যাদা।

২) অসমীয়া ভাষাত প্ৰচলিত তলৰ শব্দবোৰ কোন ভাষাৰ পৰা অহা উল্লেখ কৰক (যি কোনো পাঁচটা) : ৫
আদালত, বকচিচ, বন্দোবস্ত, আচাৰ্য্য, ইজ্জত, ব্ৰহ্মা, কৰ্জ

৩) ইংৰাজীৰ পৰা অসমীয়ালৈ অনুবাদ কৰকঃ ১০

The Constitution of India stands for a secular state. The state has no official religion. Secularism pervades its provisions which give full opportunity to all persons to profess, practice and propogate any religion of their choice. The Constitution not only guarantees a person's freedom of religion and conscience but also endures freedom for one who has no religion and it screpulously restrains the State from making any discrimination on grounds of religion. A single citizenship is assured to all persons irrespective of their religion.

৪) অসমীয়াৰ পৰা ইংৰাজীলৈ অনুবাদ কৰকঃ ১০

জ্বাহৰলাল নেহৰুৱে কৈছিল, “ এজন লৰাক শিক্ষা দিয়া মানে এজন পুৰুষক শিক্ষিত কৰি তোলা, কিন্তু এজনী ছোৱালীক শিক্ষা দিয়া মানে হ'ল এটা পৰিয়ালক শিক্ষিত কৰি তোলা। ” নাৰী শিক্ষাৰ প্ৰয়োজনীয়তা সন্দৰ্ভত এই কথাষাৰি বিশেষ ভাৱে প্ৰযোজ্য। শিক্ষাই মনৰ অসত্য দূৰ কৰি বৌদ্ধিক দিগন্ত মুকলি কৰে। জগতৰ সৰ্বতাপ্ৰকাৰ মঙ্গলৰ বাবে নিজকে যোগ্যবান কৰি তোলাৰ এক মাত্ৰ মাধ্যম হ'ল শিক্ষা। সু-শিক্ষাই মানুহক পশুত্বৰ পৰা দেৱত্বৰ শাৰীলৈ উত্তীৰ্ণ কৰে। অক্ষৰ লাখুটি স্বৰূপ শিক্ষা সেয়ে পৰুষ-নাৰী নিৰ্বিশেষে সকলোৰে বাবে অতি প্ৰয়োজনীয়।

৫) অসমীয়া পৰিভাষা লিখক : ৫
Conciliation, Supplementary grant, Cognizence, Code of Criminal Procedure, Returning Officer, Ad-hoc, Appendix

৬) তলত উল্লিখিত যি কোনো পাঁচটা শব্দৰ সমাৰ্থক শব্দ লিখক : ৫
হৃদ, বিপদ, অতীত, কটকী, নতুন, কুসুম, মাটি।

৭) তলত উল্লিখিত যি কোনো পাঁচটা শব্দসমষ্টি ব্যৱহাৰ কৰি বাক্যৰচনা কৰক : ৫
ফেনে ফোটোকাৰে, সাত-পাঁচ, দাতে ওঠে নলগা, ভাতৰ ভতুৱা, পেট কুলি, ভৰি নচুৱাই থাক, বুকুৰে ধান বনা।