

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 Nagaland and Arunachal Pradesh Judicial Service
20-2-2016 (Saturday), Time: 9.00 AM to 12.00 PM

Total Marks : 100

Duration : 3 Hours

PAPER - I

Group-A

1. Write an essay on: 25
"Relationship between the Bar and the Bench"
OR
"White colour crimes"
OR
"Tourism potential in your State".
2. Write a few lines on your favourite activities. 10
3. (a) Read the following passage and write a précis (Maximum 60 words). 10
(b) Give a Title to the précis and briefly justify the title in 3/4 sentences. 3
(c) Indicate the number of words used by you in writing the précis. 2

'Show me a man's companion', says the proverb, 'and I will tell you what the man is'; and this is, and must be true, because all men seek the society of those who think and act somewhat like themselves. Sober men will not associate with drunkards. Frugal men will not like spendthrifts, and the orderly and decent shun the noise and the disorderly. It is for the vulgar to herd together, but there is a class rather higher which is still more blamable. I mean the gay companions who come together to do little but talk, and talk without any purpose. The conversation among such persons has nothing of instruction in it, and is generally of a vicious tendency. Young people naturally seek the society of those of their own age; but be careful in choosing your companions; and lay this down as a rule never to be departed from, that no youth, nor man, ought to be called your friend, who is addicted to indecent talk or who is found of low society. [174 words]

Group-B

4. **Answer the following questions:** 10 x 1 = 10
- From the following questions choose the correct option.*
- 4.1 In a certain code, SOBER is written as RNADQ. How LOTUS can be written in that code?
(a) KNSTR (b) MPUWT (c) KMSTR (d) LMRST
- 4.2 If 'DELHI' is coded as '73541' and 'CALCUTTA' as '82589662', how will 'CALICUT' be coded?
(a) 5279431 (b) 5978213 (c) 8251896 (d) 8543691
- The following question consists of two words that have certain relationship between each other, followed by four lettered pairs of words. Select the related pair that has the same relationship as the original pair of words.*
- 4.3 Surgeon : Scalpel
(a) Musician : Instrument (b) Carpenter : Cabinet (c) Sculptor : Chisel
(d) Baker : Oven
- In the following question choose that set of numbers from the four alternatives sets, that is similar to the given set.*
- 4.4 Given set: (7, 77, 140)
(a) (8, 80, 166) (b) (9, 88, 180) (c) (8, 88, 160) (d) (10, 110, 310)
- In the following question, four out of the five alternatives are same in a certain way and so form a group. Find the odd one that does not belong to the group.*
- 4.5 (a) Unicorn (b) Rhino (c) Fox (d) Antelope (e) Jackal
- In the following question, a word has been given, followed by four other words, one of which cannot be formed by using the letters from the given word. Find that word.*
- 4.6 REASONABLE

- (D) He was elected to Lok Sabha from Uttarkashi in Uttarakhand
- 5.12 The first woman from India to be conferred the Sainthood by Pope Benedict XVI is—
 (A) Sister Desouza (B) Sister Madorana
 (C) Sister Alphonsa (D) Sister Nirmala
- 5.13 Who was the Viceroy at the time of Quit India Movement?
 (A) Lord Irwin (B) Lord Mountbatten
 (C) Lord Wavell (D) Lord Linlithgow
- 5.14 What is the first sermon of Buddha called as ?
 (A) Mahaparinirvansutta (B) Brahmajalasutta
 (C) Dhammachakkapabattanasutta (D) Kachchayanagottasutta
- 5.15 An online discussion group that allows direct "live" communication is known as—
 (A) Webcrawler (B) chat group
 (C) regional service provider (D) hyperlink
- 5.16 Which of the following was used as a chemical weapon in the First World War?
 (A) Mustard gas (B) Water gas
 (C) Hydrogen cyanide (D) Carbon monoxide
- 5.17 Who was chosen unanimously as the President of India ?
 (A) K. R. Narayanan (B) Dr. A.P.J. Abdul Kalam
 (C) Dr. S. Radhakrishnan (D) Neelam Sanjiva Reddy
- 5.18 The site of Harappa is located on the bank of river—
 (A) Saraswati (B) Indus
 (C) Beas (D) Ravi
- 5.19 Which one of the following taxes is not a direct tax?
 (A) Sales tax (B) Estate duty
 (C) Gift tax (D) Wealth tax
- 5.20 Blood group was discovered by—
 (A) Alexander Fleming (B) William Harvey
 (C) Landsteiner (D) Pavlov
- 5.21 The most dangerous consequence of excessive deforestation is—
 (A) destruction of wild animal habitats (B) soil erosion
 (C) loss of forest wealth (D) loss of many valuable plants
- 5.22 The digestive juice which has no enzyme is—
 (A) Intestinal juice (B) Gastric Juice
 (C) Bile (D) Saliva
- 5.23 The Suez Canal connects the Mediterranean Sea with the—
 (A) Caspian Sea (B) Persian Gulf
 (C) Red Sea (D) Black Sea
- 5.24 The best colours for a Sun umbrella will be—
 (A) black on top and red on inside. (B) black on top and white on inside.
 (C) red on top and black on inside. (D) white on top and black on inside.
- 5.25 The rate of erosion in a stream is lowest where—
 (A) the river joins the sea (B) depth is greater
 (C) breadth is greater (D) velocity is more
- 5.26 Which of the following Muslim rulers remained in the captivity of his son?
 (A) Akbar (B) Aurangzeb
 (C) Shahjahan (D) Jahangir
- 5.27 Interest payable on savings bank accounts is—
 (A) not regulated by RBI. (B) regulated by State Governments.
 (C) regulated by Central Government. (D) regulated by RBI.
- 5.28 Before X-ray examination (coloured X-ray) of the stomach, patients are given suitable salt of barium because—
 (A) barium salts are white in colour and this helps stomach to appear clearly.
 (B) barium is a good absorber of X-rays and helps stomach to appear clearly.
 (C) barium salts are easily available.
 (D) barium allows X-rays to pass through the stomach.

- 5.29 Which one of the following is the fastest Indian Supercomputer developed by ISRO ?
 (A) Aakash-A1 (B) Saga-220
 (C) Jaguar-Cray (D) Tianhe-1A
- 5.30 Which one of the following vitamins is necessary for blood clotting?
 (A) Vitamin A (B) Vitamin D
 (C) Vitamin K (D) Vitamin C
- 5.31 Banking of curves on road or railway track is done to provide—
 (A) gravitational force (B) angular velocity
 (C) centripetal force (D) centrifugal force
- 5.32 Hypothermia occurs due to loss of excessive heat from body due to sudden low body temperature in—
 (A) Snakes (B) Frogs
 (C) Human beings (D) Lizards
- 5.33 Neap tides are caused by the gravitational pull of the—
 (A) Moon only (B) Sun only
 (C) Moon and the Sun in the same direction (D) Moon and the Sun in opposite directions
- 5.34 Which of the following rivers does not originate in Indian territory?
 (A) Brahmaputra (B) Mahanadi
 (C) Ravi (D) None of these
- 5.35 Galileo was an Italian astronomer who
 (A) developed the telescope. (B) discovered four satellites of Jupiter.
 (C) discovered that the movement of pendulum produces a regular time measurement
 (D) All of the above
- 5.36 Fish can survive in a frozen lake because -
 (A) Fishes are warm blooded animals (B) Fish hibernate in ice
 (C) Water near the bottom does not freeze (D) Ice contains Oxygen.
- 5.37 'Corroborative evidence' means-
 (A) main evidence in a case
 (B) evidence which supports other evidence
 (C) evidence that proves the guilt of an accused person
 (D) evidence of a person who supports the accused.
- 5.38 Ratio decidendi means -
 (A) a judicial decision
 (B) part of the judgement which possesses authority
 (C) an observation made by a judge (D) level of the decision.
- 5.39 Which of the following is not true about a criminal proceeding -
 (A) the court may ask to pay a fine (B) granting custody.
 (C) there is prosecution
 (D) the court may order the transfer of the ownership of the property.
- 5.40 One of the elements of direct democracy is
 (A) referendum (B) equality
 (C) free and fair election (D) universal adult franchise

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20-2-2016(Saturday), Time: 1.00 PM to 4.00 PM

Total Marks : 100

Duration : 3 Hours

PAPER-II

1. Are tape-records of speeches "documents" as defined in section 3 of the Indian Evidence Act, 1872 ? 2

2. Is opinion of a handwriting expert binding on the Court trying a criminal case ? 2

3. Can the Civil Court order arrest or detention of a woman in civil prison in execution of a decree for payment of money ? 2

4. What is the period of limitation for filing a suit seeking compensation for libel ? 2

5. Write a brief note on the expression "sufficient cause" in the context of the Limitation Act, 1963. 6

6. What do you understand by "actionable claim" ? Please elaborate. 6

7. Examine the rights and liabilities of Lessor and Lessee. 8

8. Examine the distinction between Review and Revision under the Civil Procedure Code. 8

9. When culpable homicide does not amount to murder ? Examine and explain. 8
10. Can the accused charged with commission of the offence of rape be convicted on the sole testimony of the prosecutrix ? Examine in the light of Supreme Court decisions. 8
11. Who all are entitled to maintenance under Section 125 Cr.P.C. ? Examine the scope and ambit of this provision. 8
12. How are Public Prosecutors appointed ? Critically examine the role of Public Prosecutors with reference to Supreme Court decisions. 10
13. Write brief notes on any five out of the following : 6 x 5= 30
- (i) Circumstantial evidence.
 - (ii) Estoppel.
 - (iii) Examination of the accused under Section 313 of the Code of Criminal Procedure.
 - (iv) Right of private defence.
 - (v) Criminal conspiracy.
 - (vi) Res judicata
 - (vii) Rule against perpetuity.
 - (viii) Adverse possession.

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21-2-2016(Sunday), Time: 9.00 AM to 12.00 PM

Total Marks : 100

Duration : 3 Hours

PAPER - III

CONSTITUTIONAL LAW

1. Answer any three of the following questions: 10 X 3=30 marks
- (i) Write a note on the scope and ambit of Article 19 (1) (d) of the Constitution of India.
- (ii) Explain the underlying principles of Article 20 of the Constitution of India.
- (iii) Explain fundamental duties of a citizen of India.
- (iv) Write a note on powers, privileges, etc. of the Houses of Parliament and of the members and committees thereof as enumerated in Article 105 of the Constitution of India.

JURISPRUDENCE

2. Write short notes on any two of the following: 10 X 2= 20 marks
- (i) Ratio decidendi and Obiter dicta
- (ii) Adverse possession
- (iii) Requisites of a valid custom

JUDGEMENT WRITING

50 marks

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

PAPER BOOK

INDEX		
Sl. No.	Description	Page No(s).
1	FIR	1 & 2
2	Ejahaar	3
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5	Deposition of PW 1 to 5	
	1. Manshuk Rajput	6
	2. Gaonburah Tanti	7
	3. Ananda Tanti	8
	4. Dr. R. Chaliha	9 & 10
	5. Dipak Tamuli	11 & 12
6	Examination of accused person	13 & 14
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7	Seizure list Ext. 1-1(3)	15
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10	Sketch Map Ext. 6-6(1)	23 & 24
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12	Charge sheet Ext. 8-8(1)	26 to 28

Seen
Sd/-illegible
C. J. M. (T)
16-7-2000

FIRST INFORMATION REPORT

G R No. 614/2000

First information of a Cognizable Crime reported under Section 154,
Criminal Procedure Code at

Police Station Tinsukia

SUB-DIVISION.

DISTRICT. Tinsukia

Case No. 257/2000 Date and hour of occurrence On the night of
12.7.2000

Date and hour when reported:- On 13.7.2000, at 12.30 p.m.

Place of occurrence and
distance and direction from

Police Station :- Nokhroy Tea Estate
Mza. Rungagara
About 6 k.m. North

Date of despatch from Police

Station :- On 14.7.2000 at 10 a.m.

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 Munsri Rajput
Of Nokhroy Tea Estate
P.S. Tinsukia

(2) Name and residence of

accused :- Unknown

(3) Brief description of offence

with Section and of property

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

(4) Steps taken regarding

investigation explanation of

delay in recording information :-

(5) Result of the case :- S.I. D. Tamuly will please
investigate the case.

Sd/- Illegible
13.7.2000
Seal

(FIRST INFORMATION TO BE RECORDED BELOW)

The written report of the complt is received and treated as FIR which
is enclosed herewith.

Sd/- Illegible
13.7.2000
Seal

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

Ext. 4
Sd/-Illegible
Sessions Judge
Tinsukia

Seen
Sd/-Illegible, C.I. M (T)
16.7.2000

EJAHAR

To

The O/C, Tinsukia Sadar thana

Sub: Prayer for fair trial.

13.7.2000

Complainant Shri Munsi Rajput
 S/o Lt. Raghunath Rajput
 Nakhai gaon
 Thana and Dist. Tinsukia

Sir

Humble submission is that at night on 12.7.2000, after I had gone to attend my duty (night duty) in the factory of the Nakhari T.E., miscreant killed my son Shri Ramnath Rajput, who was watching my house hacking him with dao in the neck. At 11 p.m. my elder brother Shri Sahrai Rajput, a resident of Khelmati Line of Nakhari T.E. and my elder son, Shri Ramsingh Rajput of the same line/informed me of the incident at my working place. Coming home/I found my son lying with cut injury in the neck.

I, therefore, request your honour to take necessary steps upon investigation.

Yours faithfully
LTI of Shri Munshi Rajput

Written as dictated by the complainant.

The scribe is not responsible
Scribe: Sd/- Sukheswar Moral
Card No. 23/76
Tinsukia Court
13.7.2000

Received and registered Tinsukia P.S. C.No. 257/2000 dt. 13.7.2000

U/S 302 IPC.

Ext.4(1)
Sd/- Illegible
Sessions Judge
Tinsukia

Sd/- Illegible
seal
13.7.2000

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

S.C. No. 108(T)04

CHARGES WITH ONE HEAD

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

Section 221, 222, 223 Code of Criminal Procedure

B.D. Agarwal
Sessions Judge
Tinsukia

Hereby charge you Ram Singh Rajput

As follows:

That you on 12.7.2000 at about midnight committed the murder of your brother Ram Nath Rajput at vill. Nakhrai Dhekari under P.S. Tinsukia by assaulting the deceased with a sharp weapon with an intention to cause his death.

And thereby committed an offence punishable under Section 302 of the Indian Penal Code and within

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

The charge was read over and explained to the accused who pleaded not guilty.

Sd/-Illegible

11.8.2004

IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE
SADAR, TINSUKIA

G.R. CASE NO. 614/2000

STATE

-VS.-

Ram Singh Rajput

COMMITTAL ORDER

Dated : 3.7.04

Accused Ram singh Rajput is produced before this court of the *Strength of* NBWA. Copy furnished. Charge sheet submitted against the accused U/S 302 of IPC which is exclusively triable by the Hon'ble Dist. & Sess Judge. So, this case is committed to the Court of the Hon'ble Dist. & Sess. Judge, Tinsukia. The entire case record, articles and documents are forwarded to, The Court of The Hon'ble Sessions Judge along with a copy of this order. The accused is remanded to Jail till 19.7.04. Public Prosecutor to be informed. Accused to be produced before Hon'ble Sessions Judge, on 19.7.04.

Sd/-Illegible

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of PW1

aged about 40 years taken in oath or solemn affirmation under provision of the Indian Oath Act. X of 1878, before me, Sri U.O. Agarwal, Sessions Judge, Tinsukia.

this 13th day of September, 2004

My name is Sri Manshu Rajput

My father's name is Late Raghunath Rajput by caste

I am

My house is at Mauza Nakhroi T.E. District Tinsukia

Police Station

Police Station Tinsukia

I reside at present in Mauza

where I am Garden Labour.

District

On S.A.

The accused Ram Singh Rajput is my son. The deceased Ram Nath was also my son.

The incident took place about four years ago at about 6 P.M. in the house of the accused. The deceased Ram Nath was also staying with the accused in the same house. I was living separately at a distance of about 100 yards. The accused was living with his wife and children. However the deceased was unmarried.



At about 9 P.M., I was reported about the incident by my elder brother Sohroi Rajput while I was working in the factory. He told me that someone killed Ram Nath. Getting this news, I went to the place of occurrence. I found Ram Nath lying dead inside the room. I saw two cut wounds, one on the neck and one on the cheek.

Thereafter, I informed about the incident to the garden Manager. Then, I lodged the F.I.R., which was written by the village gaonbuda at my instance. I had also given my LTI on the F.I.R.

Police came for the investigation on the next morning. The I.O. took the deadbody for autopsy. I met the accused in the garden hospital and on being enquired, the accused told me that he had committed the offence. The accused further told me that he killed Ram Nath in the midst of a quarrel. I handed over the accused to the police. One police officer had performed inquest over the deadbody and prepared a report. I had given my L.T.I. on the said report.

(CROSS FOR ACCUSED) XXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXX

It is a fact that I didnot say before the I.O. that the accused had confessed before me that he had committed the offence. It is not a fact that no extra judicial confession was made before me. It is not a fact that the accused did not tell me that there was a quarrel in between the accused and the deceased.

R.O. & A.C.
Sessions Judge
Tinsukia

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of pu2

aged about 30 years taken in oath or solemn affirmation under provision of the Indian Oaths Act. N of 1878, before me Sri B.O. Agarwal, Sessions Judge, Tinsukia.

this 13th day of September, 2014

My name is Sri Gaonbuda Tanti
 My father's name is Late Bhura Nila I am
 by caste My house is at Mauza- Nokhroi T.E.
 Police Station District Tinsukia
 I reside at present in Mauza Police Station Tinsukia.
 District where I am Garden Labour.

On S.A.

I know the accused, who is my co-villager. We also live in the same line/at Nokhroi T.E. The deceased Ram Nath was the younger brother of the accused. Both were living in the same house.

The incident took place more than three years ago. When police came for investigation, I also went to the P.O. and saw the deadbody. Before that I had heard that someone had killed Ram Nath. I cannot say who killed Ram Nath.

(CROSS FOR ACCUSED)

XXXXXXXXXXXX

XXXXXXXXXXXX

DECLINED.

R.O. & A.C.

[Handwritten Signature]
19/9/14

Sessions Judge
Tinsukia

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

S.C. NO. 100 (T) 2004.

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of PW3
aged about 25 years taken in oath or solemn affirmation under provision of the Indian
Oath Act. X of 1878, before me Sri D.D. Agarwal, Sessions Judge, Tinsukia.
this 13th day of September, 2004

My name is Sri Ananda Tanti
My father's name is Sri Ganbuda Tanti I am
by caste My house is at Mauza Nokhroi T.E.
Police Station District Tinsukia
I reside at present in Mauza Police Station Tinsukia
District where I am Garden Labour.

On S.A.

I know the accused Ram Singh. I also knew the deceased Ram Nath.
Both were living together in the same house. They are my neighbours.

After one or two days of the incident, police brought the accused
in our tea garden. The accused led the police officers in the jungle area and
brought out one axe with long bamboo handle. M.Ext. 1 is the said axe. It was
seized in my presence. Ext.2 is the seizure list and Ext.2(1) is my signature.
I cannot say who committed the offence and why Ram Nath was killed.

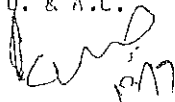
(CROSS FOR ACCUSED)

XXXXXXXXXXXXX

XXXXXXXXXXXXX

It is not a fact that the axe was recovered at the instance of the
accused.

R.D. & A.C.


Sessions Judge
Tinsukia

FORM FOR RECODING DEPOSITION

THE DEPOSITION OF PW4

aged about 51 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act of 1878 before me Sri B.D. Agarwal, Sessions Judge, Tinsukia.
this: 8th day of June, 2005 of

My name is Dr. R. Chaliha
My father's name is Late B.P. Chaliha
by caste
Police Station
I reside at present in Mauza
District
My house is at Mauza Sivasagar
District Sivasagar
Police Station Sivasagar
where I am Professor, Forensic
Medicine, Silchar Medical College.

On S.A.

On 13.7.2001, I was working as Associate Professor, Forensic Medicine at A.M.C.H., Dibrugarh. On that day, I performed post-mortem examination on the deadbody of one Ramnath Rajput in connection with Tinsukia P.S. Case No. 257/2000, u/s 302 I.P.C. and found as follows:-

Body Condition:-

A male deadbody of about 20 years, wearing a half pant and a jangia. Eyes and mouth were closed. Natural orifices were healthy. Rigormortis was present on both upper and lower limbs. Blood smear was present on the face.

Injuries:-

- (i) An incised wound over the left cheek, measuring 7x2.5 cm and cutting the lower border of the mandible.
- (ii) An incised wound over the middle of the neck, measuring 4x1 cm and cutting the trachea.
- (iii) An incised wound over the lower neck measuring 4 x 1 cm and skin deep.

Thorax:-

Thoracic organs were pale and healthy. Trachea was found cut.

~~XXXXXXXXXX~~

Contd....

Abdomen:-

Abdominal organs were pale and healthy. Stomach was healthy but empty.

Cranium and Spinal Canal:-

Cranium and spinal canal were healthy.

Opinion:-

In my opinion, death was caused due to shock and haemorrhage as a result of the injuries described above. In my opinion, injuries were ante-mortem, which might have been caused by heavy sharp cutting weapon and the injuries were homicidal in nature. The person must have died within 12 to 24 hours of autopsy.

Ext.3 is my P.M. report and Ext.3(1) is my signature.

In my opinion, injury Nos. (ii) and (iii) were fatal in nature and these injuries can cause the death of a person individually. These injuries can be caused by an axe.

(CROSS FOR ACCUSED)

It is a fact that in my report, I have not stated that injury Nos. (ii) and (iii) were fatal in nature.

R.O. & A.C.

Sessions Judge
Tinsukia

S.C. No. 108 (T) 04

FORM FOR RECODING DEPOSITION

THE DEPOSITION of Dipak Tamuly (PW5)
aged about 39 years taken in oath or solemn affirmation under provisions of the Indian
Oaths Act, X of 1878 before me, Sri B.D. Agarwal, Sessions Judge, Tinsukia.
this 21st day of September, 05. of

My name is Dipak Tamuly
My father's name is Late Chandra Tamuly I am
by caste My house is at Mauza Milanpur
Police Station District Nagaon
I reside at present in Mauza Tinsukia Police Station
District Tinsukia where I am Traffic Officer, TSK.

On S.A.

On 13.7.2000 I was attached to Tinsukia Police Station.
On that day, one Kunsi Rajput lodged an F.I.R. at Tinsukia P.S.,
alleging that on the previous night, some unknown person committed
murder of his son Ram Nath Rajput. This F.I.R. was registered
as Tinsukia P.S. Case No.257/2000 u/s.302 I.P.C. Ext.4 is the
F.I.R. and Ext.4(1) is the signature of the then O.C., Tinsukia
P.S., Inspector Gautam Bora, which is known to me. The case was
endorsed to me for investigation. I visited the place of occurrence
at 1 P.M. The dead body was lying inside the house of the
informant. I had noticed one cut wound on the neck of the deceased.

I had requisitioned the services of one Executive
Magistrate. Accordingly, Sri Rajen Mahanta also visited the P.O.
and held inquest on the dead body. Ext.5 is the inquest report
and Ext.5(1) is the signature of the Executive Magistrate, which
was given in my presence.

Thereafter, I prepared one sketch map of the P.O. Ext.6
is the sketch map and Ext.6(1) is my signature. It was followed
by recording of statements of witnesses.

At the time of my visiting the P.O., the accused was
also present at home. Till then, I did not get any evidence of

Contd. (21.9.05)

his involvement in the crime. Subsequently, on 15.7.2000 I could know from confidential source that the murder was committed by the accused. Then, I brought the accused to police station for interrogation. The accused confessed before me that he had committed murder of his brother. The accused also stated before me that the deceased was assaulted with an axe which was thrown in the jungle and the accused promised me to lead and produce the weapon of offence.

The accused was brought to the police station on 15.7.2000 at 1.20 P.M. After one hour, the accused was again taken to the P.O. We reached the P.O. at 2.50 P.M. The accused led us to nearby jungle, wherefrom an axe was recovered at the instance of the accused. The axe was seized by me. Ext.1 is the seizure-memo and Ext.1(2) is my signature. Before recovery of weapon, I had taken one Ashok Tassa and Ananda Tanti with me. These persons had witnessed the recovery and seizure. The accused had also put his signature on the seizure-memo.

Ext.7 is the extract of the statement of the accused regarding leading to discovery of the weapon. Ext.7(1) is my signature.

The accused was formally arrested on the same day at 4.10 P.M. The accused was forwarded to Court on the next day. On my transfer from Tinsukia Police Station, the charge-sheet was finally submitted by S.I. Ratul Gogoi on 9.6.2002. Ext.8 is the charge-sheet and Ext.8(1) is the signature of S.I. Ratul Gogoi.

XXX

XXX

XXX

It is not a fact that the accused did not confess his guilt before me. The axe was thrown in bushes and it was not visible. It is a fact that I have not stated this detail in the seizure-memo. It is a fact that ^{witness} Mansuk Rajput did not say before me that the accused had killed his brother.

It is not a fact that the accused has been challaned in the case without any factive investigation.

(TO THE COURT)

It is a fact that while forwarding the accused to the Court, I did not make any prayer for recording his confessional statement. The seized weapon was also not sent to any forensic laboratory.

R/O. & A.C.
21/9/05

Sessions Judge
Tinsukia

FORM OF RECORDING EXAMINATION OF ACCUSED

EXAMINATION OF ACCUSED PERSON

(Section 364 of the Criminal Procedure Code)

The examination of Sri Ram Singh Rajput aged about 26 years, taken before Sri B.D. Agarwal, Sessions Judge, at Tinsukia on the 29th day of November, 2005, in the Assamese language, interpreted by me.

My name is Sri Ram Singh Rajput. My father's name is Sri Manshuk Rajput. I am by caste and by occupation Garden labour. My home is at Nokhroy Tea Estate, Police Station Tinsukia District Tinsukia. I reside at Nokhroy Tea Estate.

Q.1. It is in the evidence of PW1 Manshuk Rajput, PW2 Gaonbuda Tanti and PW3 Ananda Tanti that the deceased Ram Nath Rajput was your younger brother and both of you were living together in the same house. What you have to say?

Ans:- It is not a fact. I was living in the garden quarter whereas my

(Signature of mark of the accused)

brother was living separately in the village outside the garden area.

(Signature of 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 Magistrate)

Q.2. It is in the evidence of your father and the I.O. that Ram Nath was murdered in your quarter. What you have to say ?

Ans:- The murder was committed in the house of the deceased situated in the village area.

Q.3. It is also in the evidence that the deceased was inflicted axe blows on different parts of the body. What you have to say ?

Ans:- It is a fact. Someone had inflicted incised wounds.

Q.4. It is also in the evidence of your father that you had confessed before him that you had committed the offence. What is your version ?

Ans:- I didnot confess guilty before my father (PW1).

Q.5. PW3 and the I.O. have also deposed that one axe was recovered from jungle area at your instance. What you have to say ?

Ans:- After the incident, I threw axe, dao and spade of our Basti house in jungle. After 2/3 days of the incident, police called me to the police station. Due to beating of police, I confessed my crime and also led the police officers in the jungle wherefrom the axe was recovered.

Q.6. Would you like to say anything more ?

Ans:- I cannot say who killed my brother. I was in the garden hospital since about 4/5 days prior to the incident due to my stomach pain and body pain. I was informed about the murder by one Sohoral Rajput in the hospital at about 9 P.M. I visited my brother's house in the next morning, then, I saw the deadbody.

Q.7. Would you like to adduce evidence in defence ?

Ans:- Yes.

R. O. & A. C.

Sessions Judge
Tinsukia

20/12/2018

Ext. 1
Sd/-illegible
Sessions Judge
Tinsukia
13.9.04

M.R. No. 116/2002

SEIZURE LIST

Ref: Tinsukia P.S. Case No. 257/2000 U/S 302 IPC

Place of Seizure: Nakharai Dhekorigaon

Date of seizure: On 15.7.2000

I, S.I. Dipak Tamuly of Tinsukia P.S. do here by seize the following descriptive article from jungle are of Na kharai Dhekarigaon P.S. Tinsukia near the house of Ramnath Rajput who was murdered on 13.7.2000 in connection with the above noted reference on being leaded and shown by accd Sri Ramsing Rajput, S/o Sri Monsuk Rajput of Khelmati line, Nakharai T.E. The seizure is made in presence of the undersign witnesses.

Description of seizure

1. An axe. It is fitted to bamboo handle. The handle measures 23 inch. The iron portion measure about 2 inches .

Signature of witnesses

1. Sd/- Ashok Tasa

S/o Lt. Bisambar Tasa

Of Khelmati line

P.S. Tinsukia

2. Sd/- Ananda Tanti
S/o Gaonburah Tanti
Vill. Khelmati line
Thana Tinsukia

Ext. 1(1)
Sd/- Illegible
Sessions Judge
Tinsukia

Sd/- Ramsingh Rajput
Accused

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

Ext. 1(2)
Sd/-illegible
Sessions Judge
Tinsukia

Sd/- Dipak Tamuli, SI
15.7.2000
Camp. Dhekarigaon, Nakharai

Ext. 5
SD/-illegible
Sessions Judge
Tinsukia

INQUEST REPORT

Ref: Tinsukia P.S. C.No. 257/2000 U/S 302 IPC

I, Shri Rajen Mahanta, Circle Officer and Executive Magistrate Tinsukia, along with the Shri Dipak Tamuly, SI, Tinsukia thana and his staff, arrive at the house of deceased Ramnath Rajput, a resident of Nakharai Dhekarigaon, and hold inquest over the dead body upon its identification by Shri Mansuk Rajput, the father of the deceased. The inquest is held in presence of the undersigned witnesses.

The name of the deceased is Ramnath Rajput, S/o Sri Mansuk Rajput, thana Nakharai Dhekarigaon, aged about 20 years. The deceased is found lying supine with his head towards east in the front room of his house. The deceased is clad in black and red coloured half pants. The right hand is bent and is lying on the chest. The left hand is lying bent towards the upper part of the body. The legs are lying straight. Eyes are closed and mouth is slightly open. Two deep cut injuries caused by dao like weapon are seen in the left side of the neck. Hands are fistled. Hairs are black and are about an inch long. No excreta is seen in the private parts of the deceased. Now the half pants is removed and the body is examined turning it over and over again and no mark of injury is seen.

Said

Although it is ^{said} that the deceased died because of the injuries in the neck, yet in order to ascertain the real cause of death, the body is sent to AMCH Dibrugarh for P.M. examination.

Ext. 5(1)
SD/-illegible
Sessions Judge
Tinsukia

Sd/- Rajen Mahanta
C.O. & Executive
Magistrate
13.7.00

Signature of the witnesses

1. Sd/- Ramsing Rajput
S/o Sri Manchuk Rajput
Vill. Khelmati line, Nakhrai T.E.

2. Sd/ Gaonburah Tanti
S/o Lt. Bhunra Nala
Vill. Khelmati line
Nakhrai T.E.

3. Sd/-LTI of Mansuk Rajput
S/o Lt. Raghunath Rajput
Of. Khelmati line
Nakhrai T.E.

Ext. 3
Sd/-Illegible
Sessions Judge
Tinsukia

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

POST MORTEM REPORT

Ref: Tinsukia P.S.Case No. 257/00 U/S 302 IPC

Station : Assam Medical College

Day of :- 13.7.00

P.M.R.No. 851/00

Name, Sex, age

and caste : Ram Nath.....Rajput

S/o Mansuk.....Rajput

Nakharai Dhekarigaon

PS. Tinsukia

Whence brought

Village and Thana : Nakharai Dhekarigaon

P.S. Tinsukia

Name of constable by

whom brought and names

of relatives accompanying C/35 (illegible) paul

Mansu Rajput (Father)

DATE AND HOUR OF

Despatch : 13.7.01

Arrival at dead house : 13.7.01 4 p.m.

Examination : 13.7.01, 5 p.m.

Information furnished by

Police. : As per inquest report

And dead body challan

By whom identified before

Medical Officer : CI 35..(illegible)...

Mansu Rajput

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. : A male dead body of about 20 years wearing a half pant and a jangia. Eyes and mouth were closed. Natural orifices were healthy. Rigor mortis was present on both upper and lower limbs. Blood smear was present on the face.

1. An incised wound over the left check, measuring 7 x 2.5 cm and cutting the lower border of the mandible.

2. An incised wound over the middle of the neck. Measuring 4 x 1 cm and cutting the trachea.

3. An incised wound over the lower neck measuring 4 x 1 cm and skin deep.

2. Wounds - position, and character.

actor.

3. Bruise Position size and

nature.

4. Mark of ligature on neck

Dissection, etc.

: No ligature mark in on dissection as
^{seen}
^
described

II. CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae : Healthy.

2. Membrane : Healthy.

3. Brain and spinal cord : Brain – healthy.

Spl. Cord – not examd.

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 : Pale & healthy.
3. Larynx and trachea : Trachea – cut.
- Right lung : Pale & healthy.
- Left lung : Pale & healthy.
- Pericardium : Healthy.
- Heart : Healthy and empty.
- Vessels : Healthy.

IV. ABDOMEN

1. Walls : Healthy.
2. Peritoneum : Healthy.
3. Mouth, pharynx, oesophagus : Healthy.
5. Stomach and its contents : Healthy and empty.
5. Small intestine and its contents : Healthy and empty.
6. Large intestine and its contents : Healthy and contain fecal matter.
7. Liver : Pale & healthy.
8. Spleen : Healthy.
9. Kidneys : Healthy.
10. Bladder : Healthy and empty.
11. Organs of generation external

and internal : Healthy.

V. MUSCLES, BONES AND JOINTS

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

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

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

Death is due to shock and haemorrhage as a result of the injures described the injuries are ante mortem being caused by heavy sharp cutting weapon and are homicidal in nature.

Time since death 12.-24 hrs. (*approx*)

Ext. 3(1)
 Sd/- Illegible
 Sess. Judge
 Tinsukia

Sd/- Dr. R. Chaliha
 Assoc. Professor
 Forensic Medicine
 Assam Medical College
ASISTANT SURGEON OF
SUB-ASISTANT SURGEION

The 13th day of July 01

REMARKS BY CIVIL SURGEON

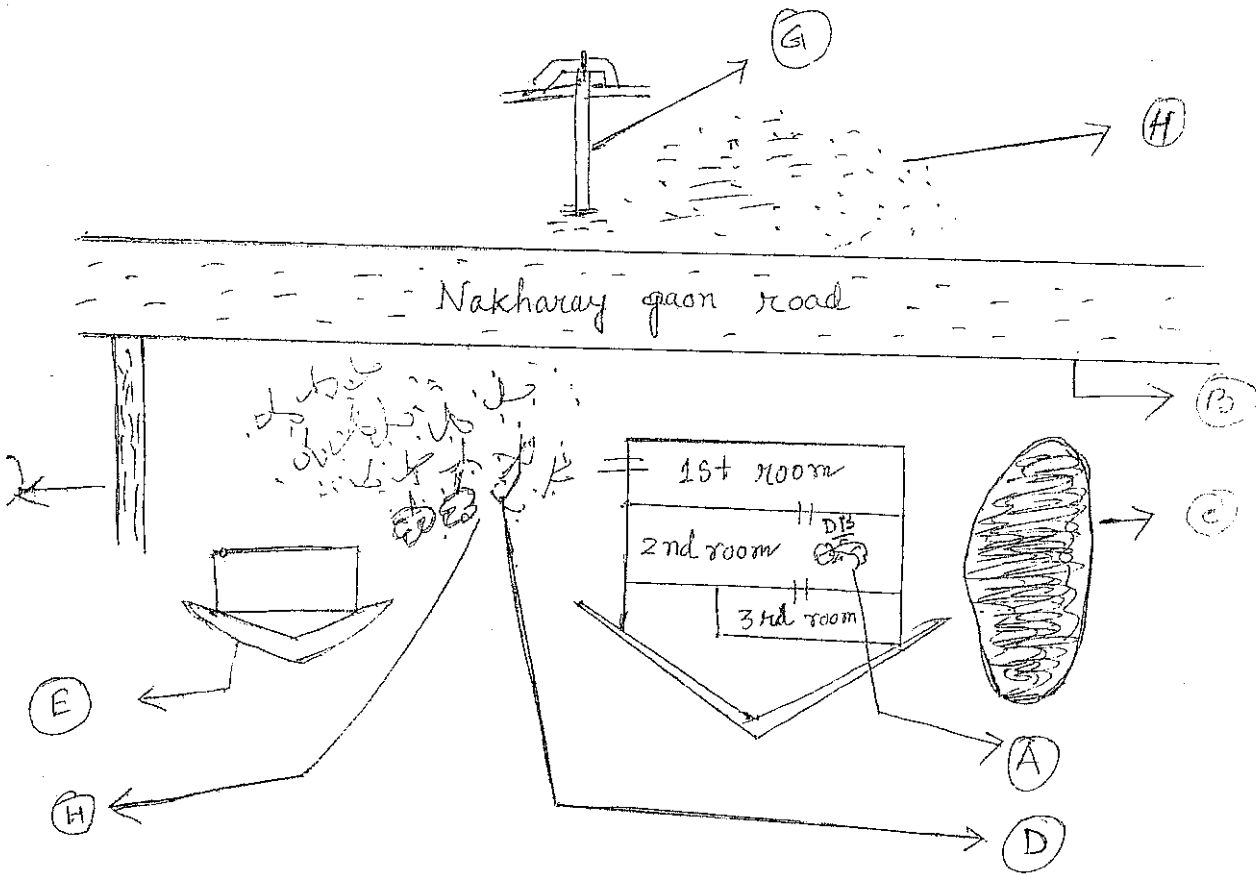
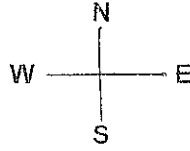
The day of

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

Ext. 6
Sd/-Illegible
Sessions Judge
Tinsukia

SKETCH MAP

Ref: Tinsukia P.S. C.NO. 257/2000 U/S 302 IPC



- A indicates the place where the dead body was lying.
- B indicates the Nakhrai ~~road~~ gaon. road.
- C indicates the tank to the east of deceaseds house.
- D indicates the jungle area to the west of deceseds house.
- E indicates Fagu Mura's house.
- F indicates the road leading inside from Nakhraigaon road.
- G indicates Electric Post in front of deceaseds house.
- H indicates the open place in front of deceaseds house.

Ext. 6(1)
Sd/-illegible
Sessions Judge
Tinsukia

Sd/-illegible

Ext. 7
Sd/-Illegible
Sessions Judge
Tinsukia

Extract copy of statement of accd Sri Ramsing Rajput , s/o Sri
Monsuk Rajpout of Khelmati line, Nakharai T.E. P.s. Tinsukia which
was recorded U/S 161 Cr. P.C. in conn with Tinsukia P.S. case No.
257/2000 U/S 302 IPC.

I shall be able to show the place where I had thrown the axe
that I had used in the incident I think I shall get the axe at the very
place I had thrown at.

Sd/- Dipak Tamuli

SI of Police

15.7.2000

Certified to be true copy

Sd/- Dipak Tamuli

21.9.2005

Ext. 7(1)

Sd/-illegible

Sessions judge

Tinsukia

Ext. 8
Sd/- Illegible
Sessions judge
Tinsukia

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

CHARGE SHEET

District: Tinsukia Charge sheet No. 13357/05 Dt. 9.6.2002

Police Station Tinsukia in First Information No. 257 Dtd. 13.7.2000

Name, address & occupation of COMPLAINANT

1

Sri Mansuk Rajput
S/o Lt. Raghu Nath Rajput
Of Nakharai Gaon
P.S. Tinsukia

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

[Show absconders in red ink]

2

Names and addresses of accused persons sent up for trial

In custody	On bail or recognizance
3	4

Sri Ram Singh Rajput
S/o Sri Mensuk Rajput
of Khelmati line
Of Nakharai Gaon T.E.
P.S. Tinsukia

Dist. Tinsukia

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

5

MR.No. 116/2002

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

6

1. Sri Mansuk Rajput, S/o Lt. Raghunath Rajput, of Khelmati line
Nakhrai T.E. P.S. TSK.
2. Sri Gaonburah Tanti, S/o Lt. *Bhamru* Nila of Nakhrai
Sagun Khelmati line P.S. Tinsukia
3. Sri Ashok Tasa, S/o Lt. Bisubur Tasa, of Khelmati line P.S.
Tinsukia, Dist. Tinsukia, Assam
4. Sri Anand Tanti, S/o Sri Gaonburah Tanti, of Khelmati line
P.S. Tinsukia
5. SI B. Tamuly TSK P.S.,
6. SI. Atul Gogoi, TSK P.S.

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

The brief description of the charge is that during investigation of the incident in connection with Case No. 257/2000, sufficient proof of offence punishable U/S 302 IPC was found against accused Ramsingh Rajput, S/o Sri Masuk Rajput, resident of Khelmati line Nakhrai T.E., thana Tinsukia. Hence the charge sheet is filed against the accused under the said section of law. A copy of seizure list and a copy of the post mortem report are attached with the charge sheet. Witnesses named and column 6 shall prove the case.

Ext. 8(1)	Sd/-Atul Gogoi,
Sd/- Illegible	O/C
Sessions Judge	Tinsukia Thana
Tinsukia	

Fdd. to the Chief Judicial Magistrate, Tinsukia Court through the P.S.I. TSK Court.

Sd/-Illegible
Inspector
Officer in Charge
Tinsukia P.S.
10.6.02