

THE GAUHATI HIGH COURT AT GUWAHATI

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

Main Written Examination in connection with direct recruitment to Grade-I of Assam Judicial Service, 2018

PAPER-I

Total Marks: 100

Date: 24.11.2018 (Saturday)

Duration: 3 hours

Time: 9.00 am to 12.00 pm

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1. "The Citizenship Amendment Bill, 2016, which is proposed to be placed before the parliament shortly, vis-a-vis the Assam Accord." Write an analysis in view of the provisions of the Constitution of India. 15 marks
 2. Write on any one: 15 marks
 - (i) The rise of women boxing in India in the international arena.
 - (ii) The Rafale deal- whether it is advantageous or it is having an adverse consequence.
 - (iii) India-China relationship in the context of trade relations.
 3. Write short notes on any three: 3 x 5 marks =15 marks
 - (i) The Sixth Schedule to the Constitution of India.
 - (ii) Article 371A- Special provisions in respect of the State of Nagaland.
 - (iii) The Constitution (Seventy-third Amendment) Act, 1992- its provisions.
 - (iv) The GST Regime.
 4. Answer the following: 5 x 4 marks =20 marks
 - (i) Is a revision or appeal maintainable against an interlocutory order of the Family Courts? Elaborate.
 - (ii) Can conviction be made on the basis of circumstantial evidence? Its restrictions and limitations.
 - (iii) If a person is found dead inside a house, to what extent the persons who ordinarily reside in the house are required to explain the cause of a homicidal death?
 - (iv) Write on the concept of adverse possession- the essential ingredients to constitute an adverse possession.
 - (v) What are the legally permissible methods by which a person can be in occupation of the land of otherwise another person?

5. Match the following words with their appropriate meanings: 5x1 mark= 5 marks

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|------------------|--|
| (i) Arbitrary | (a) Conformity to standards appropriate to a given situation |
| (ii) Fiduciary | (b) Unregulated by law or reason |
| (iii) Peremptory | (c) An exact copy, imitation or reproduction |
| (iv) Propriety | (d) Allowing for no rebuttal or overturning |
| (v) Facsimile | (e) Regarding trust and confidence |

6. Match the following in the manner it is related: 5x1 mark= 5 marks

- (i) Bridge- Coupling
- (ii) Assam Type House- Girder
- (iii) Train- Black box
- (iv) Aeroplane- Cantilever
- (v) RCC Building- Tinned roof

7. Give the meaning of the following phrases: 5x1 mark= 5 marks

- (i) Pull up the socks
- (ii) Spill the beans
- (iii) Carrot and stick
- (iv) Out of the closet
- (v) Fire in the belly

8. Give two synonyms of the following: 5x1 mark= 5 marks

- (i) Enlargement
- (ii) Hop
- (iii) Liturgical
- (iv) Polish
- (v) Solid

9. Re-write the following in one-third words by giving a title.

15 marks

Floods and landslips that caused widespread havoc all over Kerala in August have also unleashed several alien invasive species of plants into the State's waterbodies, posing a threat to native biodiversity and the aquatic environment, scientists have reported. An ongoing survey of the Kerala Forest Research Institute (KERI), Peechi, on the impact of the extreme climatic events in the State, has revealed that this might lead to invasive biota being introduced afresh, or being reintroduced in places where the control of their populations was once achieved.

The study found that physical routes and paths formed due to landslides and the overflow of rivers had paved the way for the establishment of primary colonies of invasive species like Nila grass (*Mimosa diplotricha*), mikania (*Mikania micrantha*), lantana (*Lantana camara*) and Siam weed (*Chromolaena odorata*).

The spread of the invasive species could threaten cultivable land and wildlife habitats alike. The survey revealed that invasive species like the water hyacinth (*Eichhornia crassipes*) and giant salvinia (*Salvinia molesta*), present in the backwaters of the Kuttanad region, had started colonising paddy fields, cultivated lands and other isolated water bodies in nearby areas.

In Thrissur district's Kole wetlands, notified under the Ramsar Convention, invasive plants, especially grass species, such as matamat (*Rhynchospora corymbosa*), desho grass (*Pennisetum pedicellatum*), giant salvinia and water hyacinth were reportedly establishing a beach-head, using available soil resources. This may lead to the conversion of marshy wetlands into dry land.

In many areas of Thrissur, Palakkad, Wayanad and Idukki districts, seeds of invasive species from mountainous areas have spread to new spaces formed by landslips. Hardy invasive species can grow very fast in landslip-affected areas by using available

nutrients, while native species cannot adapt to such conditions. Later, this area will be a seed source for many invasive species.

In rubber plantations, cover crops (species grown mainly to prevent soil erosion) like mucuna (*Mucuna bracteata*), a nitrogen-regulating plant, are more likely to establish themselves in the new areas and subsequently spread into the forests through the corridors created by landslips. This could affect the soil and destroy the microhabitat of that area.

The threat should be addressed in the process of reconstruction in the state. Elimination of invasive plants is a Herculean task but their spread can be tackled with the active participation of the public.

The Forest Department is conducting a survey to identify the area and density of the spread of invasive species in the Wayanad Wildlife Sanctuary.

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**Main Written Examination in connection with direct recruitment to
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PAPER-II

**Total Marks: 100
Date: 24.11.2018 (Saturday)**

**Duration: 3 hours
Time: 1.00 pm to 4.00 pm**

GROUP - A

(Transfer of Property Act)

1. As per Transfer of Property Act, Mango Tree, if bounded by bamboo boundary, falls within the definition of immovable property:
 - a. Yes.
 - b. No.
 - c. Only if it can be shown that the tree is more than 12 years old.
 - d. None of above.

2. A lets out a farm to B on condition that he shall walk 50 kms an hour:
 - a. The lease is void.
 - b. The lease is valid.
 - c. If lease is written and registered, it is enforceable.
 - d. None of above.

3. 'A' has let out a house to 'B' at a rent of Rs.5,000/-. Thereafter, he transfers the house to 'C'. 'B' has no notice of transfer, in good faith he pays rent to 'A':
 - a. 'C' cannot charge 'B' for rent so paid.
 - b. 'C' can charge 'B' for rent so paid.
 - c. 'A' continues to be entitled to rent.
 - d. None of above.

4. A sells a plot of land to B. C who is the father of A signs the deed as an attesting witness. Later on, C wants to get the sale deed declared void because C was the owner of the land and then A had no title to sell it:
 - a. Sale is not void.
 - b. The sale is void.
 - c. C can do nothing about it as the dispute is now between A and B.
 - d. None of above.

5. A sells the land to B on condition that the sale consideration would be paid after one year. B does not pay after the stipulated period of one year:
 - a. Such sale is void.
 - b. The sale is not void.
 - c. There is no civil remedy, but B can be prosecuted for cheating.
 - d. None of above.

6. Rights and liabilities of the lessor and lessee is defined under which section of the Transfer of Property Act, 1882:
 - a. Section 105.
 - b. Section 107.
 - c. Section 108.
 - d. Section 109.

7. A lease may be determined by efflux of time:
 - a. Yes.
 - b. No.
 - c. One a lease, always a lease.
 - d. None of above.

8. The right of the owner of land not to have trespassed upon it is:
 - a. Ordinary right.
 - b. Antecedent right.
 - c. Remedial right.
 - d. Proprietary right.

9. Possession acquired through an agent or servant is an example of:
 - a. Corporeal possession.
 - b. Mediate possession.
 - c. Incorporeal possession.
 - d. Immediate possession.

10. Law does not confer ownership on an:
 - a. Unborn child.
 - b. Insane person.
 - c. Both (a) and (b).
 - d. None of above.

11. Transfer of property pending suit relating thereto:
 - a. The transfer confers absolute right on the purchaser.

- b. The transfer extinguishes all the rights and liabilities of the vendor.
 - c. The transfer is void ab initio.
 - d. The transfer does not affect the right of a person under the decree or order which may be made therein.
12. Under Section 106 of Transfer of Property Act, duration of lease in the absence of written contract or local usage:
- a. A lease of immovable property for agricultural purpose shall be deemed to be a lease from year to year.
 - b. A lease of immovable property for manufacturing purpose shall be deemed to be a lease from year to year.
 - c. A lease of immovable property for all other purpose shall be deemed to be a lease from month to month.
 - d. All of (a), (b) and (c).
13. Under the principles of election under Section 35 of the Evidence Act, which of the proposition is not correct:
- a. A person taking no benefit directly under the transaction, but deriving a benefit under it, need not elect.
 - b. A plot of land in 'X' is the property of 'C' and is worth Rs.1,00,000/-. 'A' by an instrument of gift profess to transfer it to 'B', giving by the same instrument Rs.1,50,000/- to 'C'. 'C' elects to retain the property. He forfeits the gift of Rs.1,50,000/-.
 - c. Where transfer is gratuitous, and the transferor has, before the election, died or otherwise became incapable of making a fresh transfer, the transfer is valid.
 - d. A person who in his one capacity takes the benefit under the transaction may in another dissent therefrom.
14. A lessee accepts from his lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This is:
- a. An implied surrender of lease.
 - b. There is no implied surrender of lease.
 - c. It constitutes extension of lease.
 - d. It does not constitute extension of lease.
15. 'A' knows that he is to pay his creditors money. He transfers his property to his son.
- a. The transfer is valid.
 - b. The transfer is void.

- c. As a debtor has no right to transfer, the transfer is voidable.
- d. None of above.

GROUP - B
(Civil Procedure Code)

1. Mesne profit means:
 - a. Average profit in a business in a year.
 - b. Profit from letting out property.
 - c. Those profits which a person in wrongful possession of a particular property actually received or might with ordinary diligence have received therefrom, including interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession.
 - d. Payment of compensation to a person adjudged upon being illegally evicted.

2. One of the examples of a deemed decree is:
 - a. Order for restitution.
 - b. Decree within the meaning of Section 2(2) of the Code of Civil Procedure.
 - c. Order for eviction passed under Assam Temporary Settled Areas Tenancy Act, 1971.
 - d. Order for eviction passed under Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

3. For the purpose of Explanation-I to Section 11 CPC "former suit" would mean:
 - a. The pendency of any previous suit instituted by any person in respect of the property in issue.
 - b. A suit which must be formerly instituted and finally decided.
 - c. A suit which has been decided prior to the suit in question whether or not it has been instituted prior thereto.
 - d. A suit which has been previously instituted and previously decided to the subsequent suit.

4. Amongst others, an appealable order, within the meaning of Section 104 CPC would be:
 - a. Any order passed by any other lawful authority like the Deputy Commissioner, Circle Officer, Sub- Divisional Officer, in land revenue matters.

- b. Appeals filed against orders passed under Special Acts, like Assam Urban Areas Rent Control Act, Succession Act, Guardianship & Wards Act, Hindu Marriage Act, Family Courts Act.
 - c. Appeals instituted under Section 96 and 100 CPC.
 - d. Appeals against orders as provided under the provisions of Order XLIII Rule 1 CPC.
5. In a given case, the suit is triable by the Court of Munsiff. The decree passed by Court of Munsiff is appealable before Civil Judge. However, as the Presiding Officer of Court of Munsiff is on leave. Hence, the suit is taken up by the District Judge and decided on merit. Under the aforesaid circumstances, the appeal against the decree would be before:
- a. High Court.
 - b. Court of District Judge.
 - c. Court of Civil Judge.
 - d. Court of Munsiff.
6. In this examination, one of the candidates is selected for appointment. Another candidate desires to challenge his/ her selection. Such candidate can institute the suit before:
- a. Supreme Court.
 - b. High Court.
 - c. Court of District Judge.
 - d. No suit will lie.
7. 'C', the agent of 'A', under a bona fide mistake files a suit against 'B' in his own name.
- a. The mistake is fatal and the suit is liable to be dismissed.
 - b. The suit can be withdrawn by 'C' with liberty to file a fresh suit and then only a fresh suit can be filed by 'A'.
 - c. The Court can substitute the name of 'A' for that of original plaintiff 'C'.
 - d. None of above.
8. A minor apprehends threat to his property, as such, he has instituted a suit.
- a. The suit is liable to be taken off the file, with cost to be paid by the pleader or other person by whom it was presented.
 - b. The suit is maintainable.
 - c. The Court has the power to appoint "guardian ad litem".
 - d. None of above.

9. The provisions in Civil Procedure Code dealing with suits relating to matters concerning the family is contained in:
 - a. Order XXIX CPC
 - b. Order XXXII CPC
 - c. Order XXXIIA CPC.
 - d. There is no provision exclusively dealing with suits concerning family matters.

10. "A", the plaintiff, has filed a suit concerning family matter. He prays that the proceedings be held *in camera*.
 - a. The Court has the power to order proceedings to be held *in camera*.
 - b. Trial must be in open Court.
 - c. For taking up trial *in camera*, the concerned Court must get prior approval from the High Court.
 - d. For taking up trial *in camera*, the concerned Court must get prior approval from the District Judge and/or the Deputy Commissioner of the concerned District.

11. 'A' was allowed to sue as an indigent person. On an application of the defendant or by the Government Pleader, the Court has power to withdraw such permission:
 - a. If his conduct in course of suit is found to be vexatious, or improper.
 - b. If it appears that his means are such that he ought not to continue to sue as an indigent person.
 - c. Both (a) and (b).
 - d. After allowing 'A' to sue as indigent person, such permission cannot be withdrawn.

12. As per the Civil Procedure Code, the essentials of a judgment of Courts, other than a Small Causes Court are:
 - a. A thorough discussion of evidence and decision.
 - b. Concise statement of the case, the points of determination, the decision thereon, and the reasons for such decision.
 - c. Points of determination and the decision thereon.
 - d. None of above are essential elements. The contents of the judgment would depend on the wisdom of the Court, delivering the decision.

13. A defendant is unrepresented by any advocate or pleader. Upon delivering judgment, in such a case:

- a. The Court is morally required to inform such party where an appeal would lie.
 - b. The Code of Civil Procedure contains a provision requiring the Court to inform such a party where appeal would lie and place on record the information so given.
 - c. The Court, in its discretion, may inform such a party where appeal would lie, but it is not mandatory.
 - d. The Court owes no duty to inform such party where an appeal will lie.
14. A Presiding Officer of the Court had written a judgment, but before he could pronounce, the judgment, he was transferred.
- a. The new Presiding Officer has the power to pronounce the judgment written, but not pronounced by his predecessor in office.
 - b. The new Presiding Officer may pronounce the same judgment written by his predecessor, but he must show as if he had heard the matter himself.
 - c. The new Presiding Officer cannot pronounce the same judgment. The said judgment becomes non est. He shall have to hear the matter afresh and pronounce the judgment.
 - d. None of above.
15. Under the provisions of Order XXI Rule 65 CPC, while sale is made in execution:
- a. Such sale must be made in public auction in manner prescribed.
 - b. Court, upon its discretion, permit sale by private treatise by judgment debtor, decree holder and proposed purchaser without conducting public auction.
 - c. Court, for reasons to be recorded, utilize the property under sale for use of Court and give government value thereof as sale consideration.
 - d. Court, for reasons to be recorded, allow Court staff to bid in an auction to be conducted amongst court staff.
16. On an application under various Rules of Order XXXIX CPC:
- a. The Court has power to arrest a person, pending trial for breach of order for injunction.
 - b. The Court has no power to arrest a person under Order XXXIX CPC.
 - c. The Court has power to arrest a person so as to enforce injunction.
 - d. The Court may order civil imprisonment as a consequence of breach of injunction.
17. In appellate stage, if additional evidence is permitted:

- a. The appellate court must allow additional evidence to be led in any matter raised in the suit.
 - b. The appellate court must specify the points to which the evidence is to be confined, and record in its proceedings the points so specified.
 - c. The evidence can generally be led on any matter, but the appellate court shall consider only those portions of evidence which it later on deems to be relevant.
 - d. Appellate Court has no power to allow additional evidence.
18. Under Order XLVII CPC, Review can be filed by any person considering himself aggrieved –
- a. By a decree or order from which an appeal is allowed, but from which no appeal has been preferred.
 - b. By a decree or order from which no appeal is allowed.
 - c. By a decision on a reference from a Court of Small Causes.
 - d. All the three above.
19. A suit where an urgent relief is prayed, plaintiff makes a prayer to serve notice by newspaper publication so that on the matter can be expeditiously heard:
- a. It is permissible for Court to issue newspaper publication of summons immediately without waiting for service to be made by usual process.
 - b. The question of whether Court has power or not does not arise as the manner of service of summons are within the discretionary power of Court.
 - c. It is not permissible for Court to order newspaper publication of summons without recording its satisfaction that the defendant is avoiding service.
 - d. Court has no power to serve notice by newspaper publication of summons.
20. Power to limit adjournments are governed by:
- a. Section 148 CPC
 - b. Order V CPC
 - c. Order IX CPC
 - d. Order XVII Rule 1 CPC

GROUP - C
(Cr.P.C.)

1. Under Criminal Procedure Code, the Magistrate has the power to direct the police to investigate into:
 - a. A non- cognizable offence.
 - b. A cognizable offence.
 - c. Only a non- cognizable offence, as in a cognizable offence the police is under a duty to investigate.
 - d. Both (a) and (b).

2. A proclaimed person whose property has been attached can claim the property or the sale proceeds, on appearance:
 - a. Within 6 months of attachment.
 - b. Within 12 months of attachment.
 - c. Within 18 months of attachment.
 - d. Within 24 months of attachment.

3. Section 463 Cr.P.C. permits:
 - a. Oral evidence by the Magistrate of the confession made to him.
 - b. Oral evidence to prove that the procedure laid down under section 164 Cr.P.C. had actually been followed, where the record which ought to show that, does not do so.
 - c. Both (a) and (b).
 - d. Proceedings to be valid irrespective of any error, omission or irregularity in the charge or mis-joinder of charges.

4. Which section in the Cr.P.C. bars the trial of cases in which Judge or Magistrate is personally interested:
 - a. Sec. 468.
 - b. Sec. 469.
 - c. Sec. 479.
 - d. Sec. 482.

5. 'A', 'B' and 'C' are charged for robbery and after trial they are convicted by a Magistrate of First Class. Can they be charged and tried thereafter for dacoity:
 - a. Yes.
 - b. No.
 - c. Barred under Section 300 Cr.P.C.
 - d. Only with the permission from the High Court.

6. During inquiry or trial, the accused is remanded to police custody under which Section:
 - a. Section 167(1).
 - b. Section 167(2).
 - c. Section 309(1).
 - d. Section 309(2).

7. Which Section of Cr.P.C. lays down that if a Sessions Court takes cognizance of an offence under Section 199(2), it must try the case in accordance with the procedure for trial of warrant cases instituted before a Magistrate's Court otherwise than on a police report:
 - a. Section 227.
 - b. Section 229.
 - c. Section 232.
 - d. Section 237.

8. The judgment delivered by a Court in cases of plea bargaining is:
 - a. Final.
 - b. Appealable and appeal lies to High Court.
 - c. Final and no appeal except SLP under Article 136 and Writ Petition under Article 226 and 227 lies.
 - d. Appeal lies directly to the Supreme Court.

9. Section 2(wa) Cr.P.C. defining 'victim' as a person who has suffered any loss or injury caused by reason of the act or omission for which accused person has been charged includes:
 - a. Victim's guardian only.
 - b. Victim's guardian and legal heir.
 - c. Victim's neighbour.
 - d. Victim's close friend.

10. When examined under Section 313 Cr.P.C., a circumstances incriminating the accused is not put to the accused for his explanation. The said circumstances cannot be used against the accused because:
 - a. It is inadmissible in evidence.
 - b. It becomes irrelevant for purposes of evidence.
 - c. Law mandates that it cannot be taken into consideration.
 - d. All of above.

11. 'Z' is accused of offence of rape. He can be subject to the following test for investigation:
- Polygraph Test.
 - Narco Analysis Test.
 - Brain Electrical Activation Profile (BEAP) Test.
 - None.
12. Application for interim monthly allowance and expenses of the proceeding:
- Is to be decided within 30 days of the service of notice of the application to such person.
 - Is to be decided within 60 days of the service of notice of the application to such person.
 - Is to be decided within 90 days of the service of notice of the application to such person.
 - Is to be decided within 6 months of the service of notice of the application to such person.
13. Mark the incorrect statement:
- A married daughter is not liable to maintain her parents.
 - A wife is not entitled to receive maintenance from her husband if she is living in adultery, or if, without sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.
 - Sections 18 and 20 of the Hindu Adoptions and Maintenance Act, 1956 have not affected the right of the wife or the child under Section 125 Cr.P.C.
 - None of the above.
14. A person who is granted bail under Section 436 Cr.P.C. fails to comply with the conditions of the time and place of attendance, on a subsequent occasion:
- Again he is entitled to bail as a matter of right.
 - He is not entitled to bail as a matter of right.
 - The Court may refuse to release him on bail.
 - Both (b) and (c).
15. Inherent powers under Section 482 Cr.P.C. can be exercised by:
- Any criminal Court.
 - Supreme Court.
 - The Sessions Court and the High Court.
 - High Court.

GROUP - D
(EVIDENCE)

1. Secondary evidence is admissible:
 - a. where the non- production of primary evidence has not been accounted for.
 - b. where the non- production of primary evidence has been accounted for.
 - c. irrespective of whether the non- production of primary evidence has been accounted for or not.
 - d. both (a) and (c) are correct.

2. Period of 30 years under Section 90 of Evidence Act is to be reckoned from:
 - a. the date on which the document is relied upon.
 - b. the date on which the document is filed in Court.
 - c. the date on which the document is tendered in evidence, when its genuineness becomes a subject matter of proof.
 - d. all of (a), (b) and (c).

3. Burden of introducing evidence under Section 102 of the Evidence Act:
 - a. never shifts.
 - b. occasionally shifts.
 - c. constantly shifts.
 - d. shifts only once.

4. An accomplice is:
 - a. not a competent witness against an accused.
 - b. a competent witness against an accused.
 - c. cannot be a competent witness against an accused.
 - d. competent witness only after the Court accepts him as approver.

5. A legal advisor:
 - a. can disclose the communication after death of his client.
 - b. can disclose the communication after the relation with his client has ended.
 - c. can disclose the communication after the client has died.
 - d. cannot disclose the communication even when the relation is ended or the client has died.

6. Leading questions can be asked during:
 - a. examination in chief.
 - b. cross examination.
 - c. re-examination.
 - d. All of (a), (b) and (c).

7. A dying declaration is admissible:
 - a. only in a criminal proceeding.
 - b. only in civil proceeding.
 - c. in civil as well as criminal proceeding.
 - d. not admissible at all.

8. Section 27 of Evidence Act applies to:
 - a. discovery of some fact which the police had not previously learnt from other sources and was first derived from the information given by the accused.
 - b. discovery of some fact which the police had previously learnt from other sources.
 - c. discovery of some fact which the police had previously learnt from other sources and the accused had also given information regarding the same.
 - d. all of (a), (b) and (c).

9. 'A' is accused of fraudulently delivering counterfeit currency to 'C'. Which of the propositions is not correct:
 - a. The question is, whether the delivery of counterfeit currency was accidental.
 - b. The fact that before delivery of counterfeit currency, 'A' had shown the counterfeit currency to one 'Z'.
 - c. The fact that soon after the delivery of counterfeit currency, 'A' had delivered counterfeit currency to 'B'.
 - d. That 'A' had counterfeited the currency is also a relevant fact.

10. 'A' had entered into an agreement to purchase a plot of land from 'B'. In a suit involving 'A' in respect of the said land, the statement of 'B' in a suit:
 - a. Is not relevant.
 - b. Is relevant.
 - c. Is admission.
 - d. Is not admission.

11. Which is not an example of public documents:
- United Nation declaration on rights of people.
 - Copy of sale Deed.
 - Judgment of Court of law.
 - Record of Panchayat Election.
12. Whenever any document is produced before the Court, purporting to be a record or memorandum of evidence in a judicial proceeding:
- The document must be proved by the same witness.
 - There is a presumption that the document is genuine.
 - It must be proved that the evidence was duly recorded.
 - None of above.
13. 'A' produces a certified copy of a document from Bangladesh in Court in India.
- The certified copy is presumed to be genuine.
 - The certified copy cannot be presumed to be genuine.
 - The certified copy is presumed to be genuine only if any representative of the Central Govt. in or for such Country certifies it.
 - The certified copy is presumed to be genuine if any Magistrate, Judge of Notary Public certifies it.
14. If a contract be contained in several letters:
- Any one of the various letters in which contract is contained may be proved.
 - All the letters in which contract is contained may be proved.
 - If contract is contained in several letters, it is no contract in the eye of law.
 - It will suffice if the existence of contract is proved only by oral evidence.
15. 'A' is called upon to give evidence. He is asked a question which has the potential to criminate him. Under the circumstances, which option below is incorrect:
- The witness is not excused from answering such question.
 - The witness is excused from answering such question.
 - No such answer which a witness is compelled to give, shall subject him to any arrest or prosecution, or be proved against him in a criminal proceeding.

- d. The witness can be prosecuted for giving false evidence by such answer.

GROUP - E
(IPC)

1. In India, an act is a crime:
 - a. If it is so declared by the public.
 - b. If it is so dictated by morality.
 - c. If statute makes it.
 - d. If common law has declared it.

2. Consider the below statement –
To claim the benefit of provocation in reducing liability for murder, the offender must prove that:
 - i. The provocation was sufficient in ordinary course of nature to cause a person of ordinary temper to loose his self control.
 - ii. The provocation was grave and sudden to justify the killing.
 - iii. The provocation was so grave that it would stir a desire for revenge.
 - iv. That sufficient time did not elapse so as to cool down the passion.Of these statements:
 - a. 1 alone is correct.
 - b. 2 and 3 are correct.
 - c. 1, 3 and 4 are correct.
 - d. 1, 2 and 4 are correct.

3. 'A' tries to pick-pocket 'B'. 'B' has a loaded pistol in his pocket. 'A's hand touches the pistol and triggers it, resulting in death of 'B'. 'B' is guilty of:
 - a. 'A' is guilty of murder of 'B'.
 - b. 'A' is guilty of culpable homicide by negligence.
 - c. 'A' is guilty of only pick-pocketing.
 - d. 'A' is guilty of grievous hurt.

4. A bullock cart carrying a box of treasure is intercepted by 'A'. The offence of theft is committed by 'A' if and as soon as
 - (a) he seizes the bullock
 - (b) he takes the box of treasure
 - (c) he appropriates the contents of the box
 - (d) the bullock is made to move by him in his direction.

5. In which of the following case(s) a dishonest misappropriation has not been committed
1. 'A' takes a book from his friend 'B's library for reading it overnight. 'B' was not present when 'A' took the book. The next day while coming to return the book 'A' was tempted to see a movie but had no money, so he sold the book.
 2. 'A' and 'B' were joint owners of a horse. 'A' took the horse to another station for his exclusive use without informing 'B'. 'A' did not return the horse and when it grew old sold it and pocketed the money
 3. 'A' found a purse on the road, he picked it up and kept it in his pocket. Immediately, he was arrested and the purse recovered.
- Codes.
- (a) 1 and 2
 - (b) 2 and 3
 - (c) 3 alone
 - (d) 1, 2 and 3.
6. For extortion to become robbery the presence of offender before the person but in fear of injury is
- (a) not necessary
 - (b) necessary
 - (c) not always necessary
 - (d) none of the above.
7. 'Good Faith' within the meaning of Indian Penal Code means
- (a) an act done under bona fide belief
 - (b) an act done with due care and attention
 - (c) an act, in fact done honestly
 - (d) all the above.
8. 'X', a doctor, informs his patient 'Y' that he was suffering from cancer. Hearing this 'Y' dies of heart failure. 'X' has not committed any offence because
- (a) X was under an obligation to tell the patient about the disease
 - (b) X did not know that Y had any heart disease
 - (c) X communicated in good faith
 - (d) both (a) and (c).
9. Against which of the following offences, does the right of private defence of property extends to the voluntary causing of death
- (a) criminal trespass
 - (b) robbery

- (c) house-breaking
(d) both (b) and (c).
10. 'P' was picked up by a gang of robbers in a car from the street. He was given a revolver and asked to shoot at 'M', when 'P' resisted, a revolver was put on his head and he was told that if he did not shoot he would be shot dead. Then 'P' shot, 'M' dead. On a charge of murder, 'P' argued that his act was not voluntary nor there was mens rea. 'P' is guilty of
(a) culpable homicide not amounting to murder
(b) no offence
(c) attempt to commit murder
(d) murder.
11. Use of violence by an unlawful assembly or by any member thereof, in prosecution of the common object of such assembly will constitute
(a) affray
(b) assault
(c) unlawful assembly
(d) rioting.
12. Which one of the following is associated with common intention as requisite under Section 34 of the IPC
(a) similar intention
(b) pre-mediated concert
(c) same intention
(d) unanimous decision in a meeting to do a particular act.
13. Which one of the following statements is not correct
(a) abetment cannot be committed by mere silence
(b) an abettor is liable for abetment even if the abetted act is not committed
(c) if abetted person is not liable for committing the abetted act, the abettor too cannot be held liable
(d) an abettor is liable for all the likely consequences of his abetment.
14. Under criminal conspiracy
(a) mere agreement is made an offence even if no step is taken to carry out the agreement
(b) mere agreement is not made an offence unless a step is taken to carry out that agreement
(c) both (a) & (b) are correct

- (d) none of the above.
15. Whether a weapon is a deadly weapon is a question of:
(a) Law
(b) Fact
(c) Opinion of the expert witness
(d) Opinion of the judge.
16. The section of the Indian Penal Code, 1860 dealing with trafficking of person is
(a) Section 370A
(b) Section 354A
(c) Section 376C
(d) Section 376E.
17. 'A' instigates his six-year old daughter 'B' to take away from 'C', a purse containing Rs.1500. In this case
(a) B commits theft and A abets theft
(b) A commits no offence but B commits theft
(c) Both 'A' and 'B' commit no offence.
(d) 'B' commits no offence but 'A' commits abetment of theft.
18. Which of the following sections of the Indian Penal Code defines the term 'injury'
(a) Section 41
(b) Section 42
(c) Section 44
(d) Section 52A.
19. X, a jail warden failed to supply food to the prisoners in the jail. Y a prisoner died due to starvation. Here:
(a) X is liable
(b) X is not liable
(c) X's act is protected under General Exceptions
(d) None of the above.
20. To establish section 34 of the Indian Penal Code, 1860
(a) common intention has to be proved
(b) overt act has to be proved
(c) common intention and overt act both need to be proved

(d) common intention has to be proved, but no overt act need to be proved.

GROUP - F

(LIMITATION)

1. For claiming possession to be adverse, the adverse possession must be
 - a. Actual, open, hostile, exclusive and continuous.
 - b. Possession by tenant for a continuous possession of more than 12 years without paying rent
 - c. Possession must be actual, but may not be open, hostile, exclusive and continuous.
 - d. Any continuous possession of more than 12 years.

2. A suit for declaration was instituted in the year 2000. In course of hearing it appeared that declaration was required to be made against 'A'. Hence, a petition was filed for adding 'A' as one of the defendants in the year 2017. Which of the following option is incorrect?
 - a. The suit against 'A' is deemed to have been instituted when he was made a party.
 - b. If the Court is satisfied that the omission to include a new defendant was a mistake made in good faith, court may direct that such defendant is deemed to have been instituted on any earlier date.
 - c. The court must be satisfied that there was an omission or a mistake.
 - d. The court has no power to add 'A' as defendant after 17 years of institution of suit.

3. 'A' has encroached a public road on 01.01.2000. He is sought to be evicted on 01.11.2018.
 - a. The cause of action for the suit is barred by limitation.
 - b. The suit is not barred by limitation.
 - c. There is no application of Limitation Act in this case.
 - d. None of above.

4. To enforce payment of money secured by a mortgage or otherwise charged upon immovable property begins to run when the money issued becomes due, limitation is
 - a. One year.
 - b. Three years.
 - c. Twelve years.
 - d. Thirty years.

5. Plaintiff comes to know about registration of a forged sale deed on 01.01.2018. The suit to declare the forgery of an instrument issued or registered should be filed within
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
6. To set aside a transfer of property made by guardian of a ward, the ward must file a suit within:
- One year.
 - Three years.
 - Twelve years.
 - When the ward attains majority.
7. 'A' files a revision against a decree passed by the original court. He realizes his mistake for not filing a first appeal after five years.
- His appeal would be barred by limitation and would be liable to be dismissed.
 - He can seek exclusion of time of proceeding bona fide in court without jurisdiction.
 - He will have to continue his relief in revision which he had filed.
 - None of the above.
8. The limitation for filing a suit for compensation for false imprisonment is:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
9. A trustee sold a property bequeathed to a trust for a valuable consideration. The limitation to file suit when the transfer become known to the plaintiff is:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.

10. A property sold by a revenue court for realizing Government revenue. The limitation for institution a suit to set aside such sale would be:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
11. Limitation for filing suit for possession of hereditary office is:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
12. Limitation to set aside a decree passed ex-parte or to re-hear an appeal decreed or heard ex-parte would be _____ from the date of the decree or where the summons was not duly served, when the applicant had knowledge of the decree.
- Thirty days.
 - Sixty days.
 - Ninety days.
 - One year.
13. The period of limitation for execution of a decree is:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
14. Where the prescribed period for suit, appeal or application expires on a day when the court is closed, such suit, appeal or application can be made:
- On the day when court reopens.
 - Within one week from the day when court reopens.
 - Within two weeks from the day when court reopens.
 - Within one month from the day when court reopens.
15. 'A' is a minor. He may file a suit:
- Within the period prescribed for limitation
 - Within the same period of limitation after he has attain majority.
 - He cannot file a suit.
 - None of the above.

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, 2018

Date: 25-11-18

Time: 9.00 am – 12.00 pm

Total Marks: 100

Duration: 3 Hours

[Instruction: The candidate is expected to refer to the relevant decisions of the Apex Court and the High Court while writing answers]

PAPER – III

CONSTITUTIONAL LAW (40 Marks)

[Answer any 4 (four)]

(4x10 marks = 40 marks)

1. Discuss the nature, scope and utility of Directive Principles of State Policy under the Constitution of India. 10 marks
2. Explain preventive detention and what Constitutional safeguards are available to detenu against preventive detention laws? 10 marks
3. (a) Discuss the circumstances in which the legislative power of the Union extends to legislate law on a State subject? 5 marks
(b) Write notes on the following:-
 - (i) Principles of Pith and Substance; 2½ marks
 - (ii) Doctrine of Colourable Legislation. 2½ marks
4. (a) Discuss the powers of Governor to promulgate Ordinances. 5 marks
(b) What are the privileges and immunities of the Legislature and its members. 5 marks
5. Discuss the remedies provided by the Constitution of India for enforcing the Fundamental Rights mentioning the limitations to which such remedies lie. 10 marks
6. What Constitutional protections are available to Government servants against arbitrary dismissal from service? 10 marks

JURISPRUDENCE (20 MARKS)

[Answer any 2 (two)]

(2x10 marks = 20 marks)

1. Compare and contrast Constitutional and Statutory Interpretation? 10 marks
2. Write notes on the following:-
 - (a) Doctrine of Audi Alteram Partem; 5 marks
 - (b) In rem or Quasi in rem 5 marks
3. Discuss Judicial process and power along with the limitations on Judicial power. 10 marks
4. Discuss the Theory of Precedents. 10 marks

JUDGMENT WRITING

1. Write a judgment on the basis of materials available in the enclosed Paper Book. 40 marks

PAPER BOOK

CRL. APPEAL No. 23 (J)/2016

DIST.- SONITPUR.

SRI MANTU THAKUR.

Vs.

THE STATE OF ASSAM & ANOTHER.

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	Commitment order dated 6/7/2012	6
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Seen
Sd/- Illegible
S.D.J.M. (S)
Tezpur
31/05/07

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

G.R. No. 906/07

1. District-Sonitpur P.S.- RPAN. Year- 2007 FIR No.98/07, Date- 30/05/07
2. (i) Act: I.P.C. Sections: u/s 302 IPC.
(ii) Act: Sections:
(iii) Act: Sections:
(iv) Other Acts & Sections:
3. (a) General Diary Reference: Entry No. OR O.P. GDE No. 553, Dt. 30/05/07 Time-
(b) Occurrence of Offence: Day- Tuesday, Date- 29/05/07, Time- @ 6 P.M.
(c) Information received Date- 30/05/07, Time- at 7.45 P.M. G.D. No..... at the Police Station-
4. Type of Information- Written.
5. Place of Occurrence-
(a) Direction and distance from P.S.- About 22 North.

(b) Address- On the road of 1 No. Bagijuli gaon, P.S.- Rangapara.

Beat No.

(c) In case outside limit of this Police Station than the Name of P.S.....

..... District

6. Complainant Informant-

(a) Name- Smti. Maneswar Swargiary

(b) Husband's Name- Lt. Suren Swargiary,

(c) Date & Year of Birth-

(d) Nationality-

(e) Passport No. Date of IssuePlace of Issue

(f) Occupation-

(g) Address- Vill.- 1 No. Bagijuli, P.S.- Rangapara, Dist.- Sonitpur (Assam)

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

Sri Mantu Thakur, S/o. Lt. Bhola Thakur, Vill.- 1 No. Bagijuli gaon.

8. Reasons for delay in reporting by the complainant/informant

.....

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

.....

10. Total Value of Property Stolen/involved.....

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

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

Offence of commit murdered. Hence the case. F.I.R. enclosed herewith.

13. Action taken- Since the above report reveals Commission of offence (s) u/s as mentioned at Item No. 2, registered the case and took up the investigation/ directed S.I. Paran Kr. Sarmah already taken up the investigation of the case take up the investigation/transferred to P.S. on point of jurisdiction. F.I.R. read over to the Complainant/Informant admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

R.T.I. of Smti. Maneswar Swargiary.

Signature / Thumb impression of
the Complainant / Informant

Sd/- Illegible

Office-in-charge

Rangapara Police Station

Sonitpur (Assam)

Signature of the Officer in-Charge,
Police Station with

Name- Amulya Gogoi, S.I.

Rank- S.I. of Police

Number if any- O/C RPAN. P.S.

Sonitpur, Assam Dt. 30/05/07

Ext. 3

Sd/- Illegible

Additional Sessions Judge

Sonitpur, Tezpur

24/09/15

Seen

Sd/- Illegible

S.D.J.M. (S)

Tezpur

31/05/07

EJAHAR

G.R. No. 906/07

To

The In-Charge,

Chariduar Police Out Post.

Date: 30-05-2007

Subject: Ejahar

Sir,

Humble submission is that around 6-00 PM on 29-05-07, Sri Mantu Thakur, son of Late Bhola Thakur, a resident of No. 1 Bogijuli, caused grievous injury to my son Sri Bhoda Swargiary by dealing 3/4 dao blows on his head in course of a quarrel over a petty matter, on the road of village Bogijuli and for that reason when he was taken to Tezpur Civil Hospital for treatment he succumbed to his injury just after arrival there.

It is, therefore, prayed to arrest the accused and to take necessary action in this regard.

Sd/ Sri Hiren Koch,

VDP Secretary

Scribe

15

Yours Faithfully

Sd/- Smt Moneswar Swargiary

w/o – Late Suresh Swargiary

r/o – No. 1 Bogijuli

P.S – Rangapara.

District- Sonitpur(Assam)

Received the F.I.R from the complt. Vide Chariduar O.P. GDE NO. 553 dated 30/5/07 and forwarded to the O/C Rangapara P.S for favour of registering a case under proper section of law.

S.I P.K. Sarmah has taken up the case for investigation.

Ext 3(1)

Sd/- Illegible

Additional Sessions Judge.

Sonitpur, Tezpur

24/09/2015

Sd/-Kulendra Bharali

In-Charge

Charduar Police Out Post

Sonitpur(Assam)

Date – 30/05/07

Received and registered vide Rangapara P.S Case No. 98/07 U/S 302 I.P.C dated 30/05/2007.

Ext 3(1)

Sd/- Illegible

Additional Sessions Judge.

Sonitpur, Tezpur

24/09/2015

Sd/-Amulya Gogoi, S.I

Officer In Charge

Rangapara Police Station

Sonitpur(Assam)

Date – 30/05/07

COMMITMENT ORDER

ORDER DATE

06/07/12

Accused Mantu Thakur is present. Copy is ready and furnished to him.

Perused the C/S. Heard both sides. The offences is u/s 302 I.P.C., which is exclusively triable by the Court of Sessions. Hence, I commit the case to the Court of the Hon'ble Sessions Judge, Sonitpur, Tezpur for trial of the accused person. Inform the Ld. P.P.

Send the case record alongwith the CD and the relevant documents to the Court of the Hon'ble Sessions Judge, Sonitpur.

The accused person is directed to appear before the Court of the Hon'ble Sessions Judge, Sonitpur on the fixed date.

Fix. 04/08/12 for appearance.

Sd/- Illegible

Later on, Seen the petition filed by the accused person praying for allowing him to remain on previous bail prayer is allowed.

Sd/- Illegible

Copy received

Sri Mantu Thakur.

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

CHARGE WITH ONE HEAD

(No. XXVIII (1), SCHEDULE V, Act 1838)
(Sections 221, 222, 223, Code of Criminal Procedure)

SESSIONS CASE NO. 223 OF 2012

Name and Office of Magistrate etc. I, (1) Smt. M.R. Sharma,
Additional Sessions Judge,
Sonitpur, Tezpur.

Name of accused Person hereby charge you (2)

Sri Mantu Thakur

as follows :-

First - That you, on 29-05-2009, at about 6.00 p.m., evening, at No. 1 Bogijuli Gaon, under Rangapara Police Station, committed murder of Bhoda Swarglary by intentionally causing his death by means of a dao, which is a sharp cutting weapon, and thereby committed an offence punishable **U/S 302 of the Indian Penal Code** and within the cognizance of the Court of Sessions.

And I hereby direct that you be tried by the said Court on said charge.

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

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Dated Tezpur, the 5th day October, 2012.

Assam Schedule VII Form No. 131
High Court Criminal Form No. [M] 83

FORM FOR RECORDING DEPOSITION

**THE DEPOSITION OF PW-1 IN SESSIONS CASE
NO. 223 OF 2012**

aged about ...60.... years, taken in oath of solemn affirmation under provision at the Indian Oaths Act X of 1878, before me **Smt. M.R. Sharma, additional Sessions Judge, Sonitpur, Tezpur.**

this26th..... day of..... February..... 2013.....
.....

My name is**Smt. Maneswari Swargiary**
My husband's name is **Late Suren Swargiary**
By caste **Hindu** My house is at Mouza
Police Station District
Reside at present in ... **No. 1 Bogijuli**
Police Station **Rangapara**
District**Sonitpur** Where I am .. **dependent**

On oath –

EXAMINATION-IN-CHIEF :

I know the accused, who is standing in the dock. The deceased **Bhoda Swargiary** is my eldest son.

About 5 years back at about 5 p.m., the incident occurred. At that time I was in my house and cooking rice. At that time people came and told me that my eldest son was killed by the accused **Montu Thakur**, who is the son of **Bhola Thakur**. The incident occurred on the road.

I filed the ejahar putting my thumb impression and sent the same to the police station through a person

of my village. My son was brought to Tezpur and on the way he succumbed to his injuries.

CROSS-EXAMINATION (BY DEFENCE) :

What altercation led to the incident, I do not know. I do not remember when the ejahar was sent to the police station, it may be on the same day.

Read over and admitted to be correct.

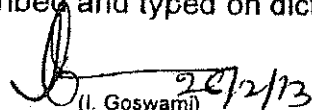
**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Dictated and corrected by me.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

tx

Transcribed and typed on dictation by me


(I. Goswami)
20/2/13
Stenographer

Assam Schedule VII Form No. 131
High Court Criminal Form No. [M] 83

FORM FGR RECORDING DEPOSITION

**THE DEPOSITION OF PW-2 IN SESSIONS CASE
NO. 223 OF 2012**

aged about ...56.... years, taken in oath of solemn affirmation under provision at the Indian Oaths Act X of 1878, before me **Smt. M.R. Sharma, additional Sessions Judge, Sonitpur, Tezpur.**

this26th..... day of..... **February**..... 2013.....

My name is**Sri Hiren Koch**

My father's name is **Late Kamala Koch**

By caste **Hindu** My house is at Mouza

Police Station **District**

Reside at present in ... **No. 1 Bogijuli**

Police Station **Rangapara**

District**Sonitpur** Where I am .. **cultivator-cum-VDP Secretary**

On oath –

EXAMINATION-IN-CHIEF :

I know the accused, who is standing in the dock. His name is Montu Thakur and also I know the deceased Bhoda Swargiary.

The incident took place about 4 / 5 years back. The incident took place at 4-30 p.m. in the afternoon. I came to know about the incident at about 7-30 p.m. at about half an hour after the incident as people of the village informed me, as I was a VDP Secretary. I went to that place after I got information and I saw the dead body of Bhoda Swargiary was lying in his own compound. I saw injury on the back side of his head. There was about two injuries and there was a pool of blood. Immediately he was given first aid in the village and in a vehicle he was brought to the police station along with the accused Mantu Thakur, his brother Raju Thakur and also some other persons of the village and myself.

The persons who gathered there stated that Mantu Thakur had committed the offence and so, he was also brought by the police. At that time, accused Mantu Thakur also admitted to have committed the offence. In-charge, Chariduar Police Out Post immediately referred him to Tezpur civil Hospital. By the time he was brought to the hospital and Doctor saw him and he was declared already dead.

On the next day, I went to the Tezpur when police conducted inquest on the dead body. Ext - 1 is the Inquest Report and Ext - 1(1) is my signature.

CROSS-EXAMINATION (BY DEFENCE) :

Majority of 'Bodo' people dominated that village. At that time Mantu Thakur was the only family belonged to the 'Bihari' community. Now Mantu Thakur and his family do not reside in that village. For what the said incident occurred, I cannot say. I did not file the ejahar.

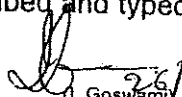
Read over and admitted to be correct.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Dictated and corrected by me.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Transcribed and typed on dictation by me


26/2/13
S. Goswami
Stenographer

Assam Schedule VII Form No. 131
High Court Criminal Form No. [M] 83

FORM FOR RECORDING DEPOSITION

**THE DEPOSITION OF PW-3 IN SESSIONS CASE
NO. 223 OF 2012**

aged about ...35.... years, taken in oath of solemn affirmation under provision at the Indian Oaths Act X of 1878, before me **Smt. M.R. Sharma, additional Sessions Judge, Sonitpur, Tezpur.**

this26th..... day of..... **February**..... 2013.....

My name is**Sri Kamal Boro**

My father's name is **Sri Jarasandha Boro**

By caste **Hindu** My house is at Mouza

Police Station District

Reside at present in ... **No. 1 Bogijuli**

Police Station **Rangapara**

District**Sonitpur** Where I am .. **cultivator**

On oath –

EXAMINATION-IN-CHIEF :

I know the accused in the dock. His name is Montu Thakur. I also knew the deceased Bhoda Swargiary.

The incident took place on 29-05-2007 at about 5 p.m. At that time, I was coming from a shop and met Bhoda Swargiary on the way. At that time, elder brother of accused, Dilip Thakur also met us. There was some altercation between Dilip Thakur and deceased Bhoda. I tried to separate them. At that time Mantu Thakur came from back side with a dao and inflicted injury on the back side of the head of the deceased three times. Immediately Bhoda Swargiary fell down. Nearby people came and tied the head of the deceased with cloth and then we brought him to Chariduar Out Post. The doctor stated

that he could not be treated there and so, he was brought to the Tezpur but on the way at Haleswar, he expired.

The VDP Secretary came on being called after the incident. Mantu Thakur and his elder brother Rajesh Thakur were also brought to the police station along with the deceased.

CROSS-EXAMINATION (BY DEFENCE) :

It is not a fact that on the day of the incident, I along with the deceased had gone and torn the cloths of the sister of the accused Hiramoti Thakur and also outraged her modesty.

It is not a fact that at that time, Dilip Thakur obstructed us and we assaulted him.

It is not a fact that at that time, Bhoda Thakur took a rod and tried to assault Dilip Thakur and so, the accused took a dao and put a blow on the deceased Bhoda Swargiary.

It is not a fact that the accused had given three blows and not one blow.

At that time there were other persons like Anju Daimary and Bogiram Basumatary, along with us.

It is not a fact that I was also responsible for the incident and so, to save the accused, I have deposed falsely today.

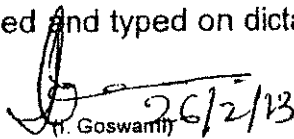
Read over and admitted to be correct.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Dictated and corrected by me.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Transcribed and typed on dictation by me


J. Goswami
Stenographer
26/2/13

Assam Schedule VII Form No. 131
High Court Criminal Form No. [M] 83

FORM FOR RECORDING DEPOSITION

**THE DEPOSITION OF PW-4 IN SESSIONS CASE
NO. 223 OF 2012**

aged about ...25.... years, taken in oath of solemn affirmation under provision at the Indian Oaths Act X of 1878, before me **Smt. M.R. Sharma, Additional Sessions Judge, Sonitpur, Tezpur.**

this5th..... day of..... June..... 2013.....

My name is**Sri Arup Basusmatary**

My father's name is **Sri Bogi Ram Basusmatary**

By caste **Hindu** My house is at Mouza

Police Station District

Reside at present in ... **No. 1 Bogijuli**

Police Station **Rangapara**

District**Sonitpur** Where I am .. **businessman**

On oath –

EXAMINATION-IN-CHIEF :

I know the accused Sri Mantu Thakur. I also knew the deceased Bhoda Swargiary.

The incident took place in the year 2007, in the evening at about 5 / 5-30 p.m. At that time, I was at the place called 'Centre' and I heard that Montu Thakur had caused the death of deceased Bhoda Boro. People arrived at the place of incident told that the deceased was alive in serious condition. There was blood all over his body. Injury was on his head. I heard that the incident was occurred due to quarrel between the deceased Bhoda Boro and Dilip Thakur, elder brother of accused Montu Thakur. I heard that Montu Thakur after that

quarrel came out with the dao and assaulted Bhoda Boro. I did not see the accused but the public brought him and asked him why he had caused the incident and on being asked, the accused admitted that he had committed the offence out of anger. Public brought the vehicle and took the injured Bhoda Boro and the accused Montu Thakur to the Chariduar Police Out Post.

Later on, I heard that the injured expired on way to hospital. On the next date, we came with police to take the dead body from the Tezpur Civil Hospital.

I was the witness to the inquest. **Ext - 1** is the Inquest Report, where **Ext - 1(2)** is my signature.

CROSS-EXAMINATION (BY DEFENCE) :

I did not see the accident. I do not remember exactly from whom I have heard. I do not know why the quarrel took place between Bhoda Boro and Dilip Thakur. May be that the public had assaulted the accused Montu Thakur. I do not know if the public had assaulted the family members of Montu Thakur.

I cannot say if the deceased Bhoda Boro and one Kamal Boro had gone to the house of the accused Montu Thakur and had outraged the modesty of his sister and at that time, the accused Montu got agitated and the deceased Bhoda

SESSIONS CASE NO. 223 OF 2012

Boro tried to assault Dilip Thakur with a rod, at that time, as there was a 'dao' in the hand of Montu Thakur, in the scuffle to save Dilip, the incident took place.

It is not a fact that the accused and his family members were assaulted by the public and the house was also burnt, and that the accused and his family members got injuries and they were taken to the hospital.

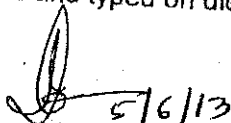
Read over and admitted to be correct.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Dictated and corrected by me.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Transcribed and typed on dictation by me


(I. Goswami)
Stenographer

High Court Criminal Form No. [M] 83

FORM FOR RECORDING DEPOSITION

**THE DEPOSITION OF PW-5 IN SESSIONS CASE
NO. 223 OF 2012**

aged about ...39.... years, taken in oath of solemn affirmation under provision at the Indian Oaths Act X of 1878, before me Smt. M.R. Sharma, Additional Sessions Judge, Sonitpur, Tezpur.

this5th..... day of..... June..... 2013.....

My name isSri Anil Koch

My father's name is Late Sukan Koch

By caste Hindu My house is at Mouza

Police Station District

Reside at present in ... No. 1 Bogijuli

Police Station Rangapara

DistrictSonitpur Where I am .. cultivator

On oath –

EXAMINATION-IN-CHIEF :

I know the accused Sri Mantu Thakur. I also knew the deceased Bhoda Boro.

The incident took place 7 years back at about 4 / 5 p.m. in the evening. After sometime of the incident, I was called by the people of the village. The incident took place at the place called 'Centre'. On going there I saw Bhoda Boro was assaulted and he was lying. I saw the head of Bhoda Boro being bandaged. Later on, public sent him to hospital. The public also caught hold of Montu Thakur and sent him along with the injured Bhoda Boro to the police station. I did not see who had caused the incident. Montu Thakur was brought by

the people as he had caused the incident of assaulting Bhoda Boro.

CROSS-EXAMINATION (BY DEFENCE) :

I personally did not see the accident. I do not specifically say from whom I heard about the incident. I do not know why the accident took place. At present Montu Thakur and his family do not reside in that village.

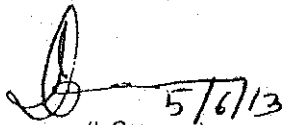
Read over and admitted to be correct.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Dictated and corrected by me.

**ADDITIONAL SESSIONS JUDGE
SONITPUR : TEZPUR**

Transcribed and typed on dictation by me


5/6/13
(I. Goswami)
Stenographer

Assam Schedule VII, Form No. 131

High Court Criminal Form No. (M) 83

Sessions Case No. 223/12

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 6

aged about 42 years taken in oath or solemn affirmation under provision at the Indian Oaths Act. X of 1878, before me Sri S. Das, Addl. Sessions Judge, Sonitpur.

this Day of

My name is- Dr. Ranjan Kr. Mahanta.

My Father's name is- Late Debendra Nath Mahanta.

I am

by caste-

My house is at Mauza-

Police Station-

District-

Reside at present in Mauza-

Police Station-

District-

Where I am- Sr. M. & H.O.1,

Kanaklata Civil Hospital, Tezpur.

On Oath,

On 30/05/2007 I was working as Sr. M. & H.O.1 in Kanaklata Civil Hospital. On that day I examined Bhola Boro Sargiary, aged 26 yrs, male, S/o. Late Suresh Boro Sargiwary, No. 1 Bagijuli, P.S.- Rangapara, Dist.- Sonitpur

escorted by UBC 452 Ranjan Saikia, Sri Haren Koch and Arup Basumatary on police requisition Chariduar O.P. GD entry No. 542 dtd. 29/05/2007.

I conducted post mortem on the dead body of said Bhola Boro Sargiwary and found the following-

- (1) Lacerated wound over left parietal region of scalp size 5 cm. x 3 cm. x 2 cm.
- (2) There is a fracture of left parietal bone of scalp.
- (3) Haematoma in left parietal lobe of brain was present. Other system are healthy.

All the injuries were antemortem in nature. In my opinion the cause of death was due to shock and haemorage as a result of head injury.

Ext. 2 is postmortem report. Ext. 2(1) is my signature.

xxxxx

There was only one lacerated injury.

Sd/- Ranjan Kr. Mahanta.
26/08/14

R.O. & A.C
Sd/- Illegible
Addl. Sessions Judge
Sonitpur, Tezpur
26/08/14

Assam Schedule VII, Form No. 131

High Court Criminal Form No. (M) 83

Sessions Case No. 223/12

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 7

aged about 35 years taken in oath or solemn affirmation under provision at the Indian Oaths Act. X of 1878, before me Sri S. Das, Addl. Sessions Judge, Sonitpur.

this Day of

My name is- Sri Maniram Basumatary.

My Father's name is- Late Khargeswar Basumatary.

I am

by caste-

My house is at Mauza-

Police Station-

District-

Reside at present in Mauza- No. 1 Bagijuli.

Police Station- Rangapara.

District- Sonitpur.

Where I am- Cultivator.

On S/A

I know the accused. His name is Mantu Thakur. His house is some 300 meters away from that of mine. I know the complainant. I also knew deceased Bholā Bodo Swargiary. Around 5-30 PM one day about 5 years back I was in my Pan shop in front of our house. I heard a commotion about 300 meters behind my shop. I then closed my shop and rushed to the P.O. The people of

Bogijuli village assembled on the road of the village. I heard from the people gathered there that accused Mantu Thakur had hacked Bhola Bodo Swargiary (@) Bhadreswar with a dao. Bhola Bodo was lying outside the house of Tankeswar Bodo smeared with blood. We, all the public, then arranged a Maruti Van and took Bhola to the P.S. and then to the Hospital. Around 10-00 pm Police came to my house and informed that Bhola Bodo had died. Public apprehended the accused and sent him to the P.S along with Bhola Bodo by the same vehicle.

xxxxx

I know that the accused has three daughters. Bhola Bodo used to consume liquor. I do not know if quarrel took place between the accused and deceased. I know Tankeswar's wife's name. I heard about the incident from her as well as from the other people gathering there. The people of the village assaulted the accused. They also asked the accused as to why he had assaulted him.

R.O. & A.C

Sd/- Illegible

Addl. Sessions Judge

Sonitpur, Tezpur

26/08/14

Sd/- Sri Mani Ram Basumatary.

FORM FOR RECORDING DEPOSITION**THE DEPOSITION of P.W. 8**

aged about 57 years taken oath or solemn affirmation under provision at the Indian Oaths Act. X of 1878, before me Sri S. Das, Addl. Sessions Judge, Sonitpur, Tezpur.

this Day of

My name is- Sri Kulendra Bharali.

My Father's name is- Late Rabiram Bharali.

I am

by caste-

My house is at Mauza-

Police Station-

District-

Reside at present in Mauza-

Police Station-

District-

Where I am- S.I. of Police attached to Tezpur P.S.

On Oath,

On 29/05/2007 I was working as I/c of Chariduar Police Out Post. On that day VDP Secretary No. [Bagijuli Sri Hiran Koch came to the P.O. with one injured person named Bhadai Boro and accused Mantu Thakur and reported that accused Mantu Thakur had assaulted Bhadai Boro with Sharp cutting weapon. Then I immediately sent the injured to Chariduar PHC for treatment and the accused who apprehended/detained in P.S. I made GD entry No. 542 dtd. 29/05/2007 and entrusted S.I. Paran Sarma to investigate the case.

Accordingly S.I. Paran Sarma visited the P.O. and recorded statement of witness and also draw sketch map. The injured was referred to Tezpur Civil Hospital where he died. Accordingly the dead body challan was prepared and inquest was held. Then post mortem was done on the dead body and report was collected.

On 30/05/2007 I received one written ejahar from one Smti. Maneswar Sargiary at the Out Post. Accordingly ejahar was forwarded to Rangapara P.S. for registration. Accordingly a case was registered at Rangapara P.S. and S.I. Paran Sarmah was already entrusted to investigate the case.

Ext. 3 ejahar 3(1) is my signature. Ext. 3(2) is the signature of Amulya Gogoi O/C of Rangapara P.S.

S.I. Paran Sarma completed investigation. Ext. 4 GD entry. Ext. 5 sketch map 5(1) signature of S.I. Paran Sarmah, which I know. Ext. 1 is inquest report 1(3) signature of Paran Sarma. Ext. 6 dead body challan 6(1) signature of Paran sarma. Ext. 7 charge sheet submitted by Paran sarmah against accused Mantu Thakur u/s 302 IPC. 7(1) his signature. From the case diary it is seen that the I.O. could not seize the weapon of offence as the same was thrown into a pond and as it was raining at that time it could not be recovered.

xxxxx

The P.O. is at distance of about 10 k.m. from P.S. I did not visit the P.O. but I know the P.O. The P.O. is inhabited by the Bodo people and to my knowledge family of the accused who is Bihari from the nonbodo community.

I did not examine the accused. I also did not examine the witnesses.

R.O. & A.C

Sd/- Illegible

Addl. Sessions Judge

Sonitpur, Tezpur

24/09/15

Sd/- S.I. Kulendra Bharali.

Assam Schedule VII Form No. 99

High Court Criminal Form No. (M) 85

FORM FOR RECORDING EXAMINATION OF ACCUSED

SESSIONS CASE NO. 223 OF 2012

(Section 313 of the Criminal Procedure Code)

The examination of accused person u/s 313 Cr. P.C. aged about 33 years, taken before Sri S. Das, Additional Sessions Judge, Sonitpur, Tezpur on the 28th day of October' 2015 in the English language, interpreted by myself.

My name is Shri Mantu Thakur.

My Father's name is Late Bhola Thakur.

I am by caste- Hindu.

and by occupation- Labour.

My home is at Mouza- No. 1 Namangi gaon.

Police Station- Rangapara.

District- Sonitpur.

I reside at-

Question 1: PW Moneswari Swargiary has deposed that around 5-00 pm one day about 5 years ago, while she was cooking at her house some people came and said that Mantu Thakur (you) had assaulted her elder son to death on the road and that she then lodged ejahar with the P.S.

What is your reply?

Answer: False deposition.

Question 2: PW Sri Hiren Koch has deposed that one day about 4/5 years back, when he was the secretary of VDP of No.1 Borjuli village, he came to know about the incident and going to Bhola Swargiary's house he saw Bhola Swargiary's dead body lying within his compound with injuries; that the dead was smeared with blood; that he was taken to Hospital and that accused Mantu Thakur, his brother Raju Thakur and other persons accompanied him.

What is your reply?

Answer: False deposition.

Question 3: This PW has further deposed that the people gathering at the P.O. said that Mantu Thakur had killed him and that you too had confessed that you had committed the incident.

What is your reply?

Answer: False deposition. I did not confess any guilt.

Question 4: PW Kamal Bodo has deposed that around 5-00 pm on 29-05-2007, while he was coming from shop he came across Bhoda Swargiary; that at that time there was an altercation between Dilip Thakur and Bhoda Swargiary; that at that moment Mantu Thakur appeared there and dealt 3 dao blows on Bhoda Swargiary's head and that Bhoda Swargiary fell down.

What is your reply?

Answer: False deposition.

Question 5: This PW has further deposed that nearby people came and took Bhoda to Chariduar Hospital wherefrom he was referred to Tezpur Civil Hospital; that he died in Tezpur Civil Hospital and that VDP secretary was informed about the incident.

What is your reply?

Answer: I do not know.

Question 6: PW Arup Basumatary has deposed that the incident took place in the year 2007; that he heard that you had killed Bhoda Bodo; that people arrived at the P.O. and found Bhoda Bodo in a moribund state; that he heard that there was a quarrel between your elder brother Dilip Thakur and Bhoda and that you appeared there and hacked Bhoda with a dao.

What is your reply?

Answer: False deposition.

Question 7: This PW has further deposed that on being asked by public, you confessed that you had assaulted him in a fit of anger.

What is your reply?

Answer: False deposition.

Question 8: PW Anil Koch has deposed that upon learning about the incident he came to the P.O. and found Bhoda Bodo lying in injured state with a bandage on the head and that public apprehended you and sent you along with Bhoda Bodo to the PS.

What is your reply?

Answer: I myself went to the P.S. along with public. I did not cause the incident.

Question 9: PW Dr. Ranjan Kr. Mahanta has deposed that on 30-5-2007, when he was working as Medical Officer in Tezpur Civil Hospital, he performed P.M. examination on the dead body of Bhoda Bodo and found fracture on the head and he opined that the person (deceased) succumbed to the injuries which he sustained in his head.

What is your reply?

Answer: I do not know.

Question 10: PW Maniram Basumatary has deposed that when he was in his Pan shop in front of the house he heard a commotion about 300 meters behind his shop; that he then closed his shop and rushed to the P.O.; that he came to know from the people gathering there that accused Mantu Thakur(you) had hacked Bhoda Bodo Swargiary with a dao; that he saw Bhola Bodo lying outside the house of Tankeswar Bodo smeared with blood and that the injured was taken to Hospital and thereafter he succumbed to his injuries.

What is your reply?

Answer: False deposition.

Question 11: PW Kulendra Bharali has deposed that on 29-5-2007, when he was working as the In-Charge of Chariduar Police O.P., a person Sri Haren Koch by name came to the O.P. taking along injured Bhoda Bodo and accused Thakur and informed that Mantu Thakur had struck Bhoda Bodo with a sharp cutting weapon.

What is your reply?

Answer: I did not hack Bhoda Bodo.

Question 12: This PW has further deposed that he sent the injured to hospital from the P.S. and making an entry in the GD he entrusted Paran Sarma, SI with the charge of investigation into the matter; that in course of investigation he examined witnesses, got the P.M examination done on the dead body and completing the investigation, he submitted charge sheet for commission of offence punishable U/S 302 IPC.

What is your reply?

Answer: The case has been instituted against me on false ground.

Question 13: Do you have anything to say?

Answer: I was not involved in the case.

Question 14: Would you adduce defence evidence?

Answer: No, I won't.

Sd/- Sri Mantu Thakur.

(Signature mark of the accused)

Sd/- Illegible

Addl. Sessions Judge

Sonitpur, Tezpur

(Signature of Addl. Sessions judge)

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

R.O. & A.C.

Sd/- Illegible

Addl. Sessions Judge

Sonitpur, Tezpur

28/10/15

(Signature of Addl. Sessions judge)

Ext. 1

Case No. 223/12

Sd/- Illegible

Additional Sessions Judge

Sonitpur, Tezpur

26/02/13

INQUEST REPORT

Ref: Chariduar O.P. GDE No. 542 dated .

Name of deceased-Bhoda Boro (Swargiary), 26 years,
S/o. Lt. Suren Boro (Swargiary),
of No. 1 Bogijuli,
P.S.- Rangapara.

Date & time- On 30/05/07 at 1.00 p.m.

Now, I hold inquest on deceased in presence of undersigned witnesses. The deceased is found kept in north-south position, covered with a rug on the floor of the morgue of Tezpur Civil Hospital. On removal of the cloth, it is seen that deceased is clad in one orange coloured check shirt, one white "gamosa" and one orange coloured underwear. The buttons of the shirt remain unfastened. Hair is about 2½" long. Mouth and eyes are closed. Head is lying bent towards left. A cut mark measuring 1½" deep is present on the middle of the head. Another cut mark measuring 2½" x ½" x 1" is present on the left side of the

head. Yet another cut mark measuring 1" long is present nearby. No injury is seen on the neck, chest and abdomen. Right hand is lying on the chest and the left hand is lying beside the body. No injury is seen on the hands. Legs are lying straight and no injury is seen there. There are no injury on the back and buttock.

Though it is learnt from the witnesses present that the victim died due to haemorrhage as a result of being hacked on the head with a dao by accused Mantu Thakur in course of a quarrel near Bogijuli center yesterday, yet to ascertain the actual cause of death, the dead body is being sent to K.C. Hospital, Tezpur for P.M. examination.

Signatures of witnesses:

1. Sd/- Sri Hiren Koch,
S/o. Late Kamala Koch.

Ext. 1(1)
S/Case No. 223/12
Sd/- Illegible
Additional Sessions Judge
Sonitpur, Tezpur
26/02/13

2. Sd/- Arup Basumatary,
S/o. Late Bogiram Basumatary.

Ext. 1(2)
Sd/- Nil
Additional Sessions Judge
05/06/13

3. Sd/- Rajesh Thakur,

S/o. Late Bholu Thakur.

All are resident of No. 1 Bogijuli

P.S.- Rangapara.

Ext. 1(3)

Sd/- *mil*

Additional District Judge

Sonitpur, Tezpur

24/09/15

Sd/- Illegible

30/05/07

Ext. 2

S/Case No. 223/12

Sd/- Illegible

Additional Sessions Judge

Sonitpur, Tezpur

26/08/14

Assam Schedule XLIII (Part 1), Form No. 24

POST MORTEM REPORT

Sl. No. 41
Dtd. 15/06/07

Ref.- Chariduar O.P. GDE No. 542 dtd. 29/05/07.

Station- Kanaklata Civil Hospital.

Day of- 30th May' 2007

Name, Sex, age and caste:

Bhoda Boro Swargiary

26 yrs./ Male.

S/o. Lt. Suren Boro (Swargiary)

Whence brought Village and Thana:

No. 1 Bogijuli,

P.S.- Rangapara.

Name of constable by whom brought and names of relatives accompanying:

UBC/ 452 Ranjan Saikia.

Sri Haren Koch.

Sri Arup Basumatary.

DATE AND HOUR OF

Despatch : On 30/05/07 at 1.55 p.m.
Arrival at dead house : 30/05/07 at 2.45 p.m.
Examination : 3.00 p.m. on 30/05/07

Information furnished by Police:

As per inquest report.

By whom identified before Medical Officer:

UBC/ 452 Ranjan Saikia.

Sri Haren Koch.

Sri Arup Basumatary.

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

I - EXTRANAL APPERANCE1. Condition of subject stout emaciated, decomposed, etc.

A male dead body of 26 years age, average build, eyes and mouth closed. Rigor mortis is present.

2. Wounds, Position, Character:

A. Lacerated wound over left parietal region of scalp size 5 cm. x 3 cm. x 2 cm.

Fracture of left parietal bone of skull is present.

Haematoma in left parietal lobe of brain is present.

3. Bruise Position size and nature:
4. Mark of ligature on neck dissection, etc.:

II - CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae : Lacerated wound over Lt. parietal region of scalp present size 5 cm. x 3 cm. x 2 cm.
Fracture of left parietal bone.
2. Membrane : Rupture membrane in left parietal lobe of brain.
3. Brain and spinal cord : Haemotoma in left parietal lobe of brain.

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

III - THORAX

1. Walis ribs and cartilages : Healthy.
2. Pleurae : Healthy.
3. Laryax and trach ere : Healthy.
4. Right lung : Healthy.
5. Left lung : Healthy.
6. Pericar (dium) : Healthy.
7. Heart : Healthy.
8. Vessels : Healthy.

IV - ABDOMEN

- | | |
|--|--------------|
| 1. <u>Walls</u> | : Healthy. |
| 2. <u>Peritonoum :</u> | : Healthy. |
| 3. <u>Mouth, pharyanx, oesophagus</u> | : Healthy. |
| 4. <u>Stomach and its contents</u> | : Congested. |
| 5. <u>Small intestine and its contents</u> | : Healthy. |
| 6. <u>Large intestine and its contents</u> | : Healthy. |
| 7. <u>Liver</u> | : Healthy. |
| 8. <u>Spleen</u> | : Healthy. |
| 9. <u>Kidneys</u> | : Healthy. |
| 10. <u>Bladder</u> | : Healthy. |
| 11. <u>Organs of generation extema and internal:</u> | Healthy. |

V - MUSCLES, BONES AND JOINTS

- | | |
|--------------------------------|--------|
| 1. <u>Injury</u> | : Nil. |
| 2. <u>Disease or deformity</u> | : Nil. |
| 3. <u>Fracture</u> | : Nil. |
| 5. <u>Dislocation</u> | : Nil. |

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

All the injuries sustained by the deceased is antemortem in nature.

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

In my opinion the cause of death is due to shock and haemorage as a result of head injury.

The 30th day of May' 2007

Ext. 2(1)
Case No. 223/12
Sd/- Illegible
Additional Sessions Judge
Sonitpur, Tezpur
26/08/14

Sd/- Illegible
Dr. R.K. Mahanta
Medicale & Head Officer-I
Kanaklata Civil Hospital
Tezpur

ASSISTANT SURGEON of
SUB-ASSISTANT SURGEON

REMARKS BY CIVIL SURGEON

No. 580
Dt. 13/06/07

Sd/- Illegible
Joint Director of Health Service
Sonitpur, Tezpur

Ext. 4

Sd/- Illegible

Additional Sessions Judge

Sonitpur, Tezpur

22/09/2015

Assam Schedule XL (A) (Part-I) Form No. 145

(Approved in letter 9249F. 19-10-17)

Case Dairy under Section 172 C.P.C in Case

Police Station: Rangapara.

No.

Date:

Station :

District :

M/Case Dairy No : I

Dtd. 542

Extract copy of Chariduar O.P GDE No. 542, Dtd. 29/05/2007

Ref.- Chariduar O.P. GDE No. 542, dtd. 29/05/2007

Entry regarding receipt of information, medical examination of the injured and the accused being kept in custody.

Now, Hiren Koch, the VDP secretary, arrives in the O.P. taking along injured Bhodai Bodo and informs that accused Sri Mantu Thakur, S/o. Late Bholu Thakur, a resident of No.2 Bogijuli, caused injury to him (Bhodai Bodo), co-villager of the accused by dealing cut blows. Immediately after the

production, C/371 Arkum Ali is deputed to shift Bhodai Bodo to Chariduar Hospital for treatment and to this effect this entry is made in the General Diary. It is worth mentioning that as accused Mantu Thakur too arrives in the O.P. along with the injured, he is kept here for interrogation.

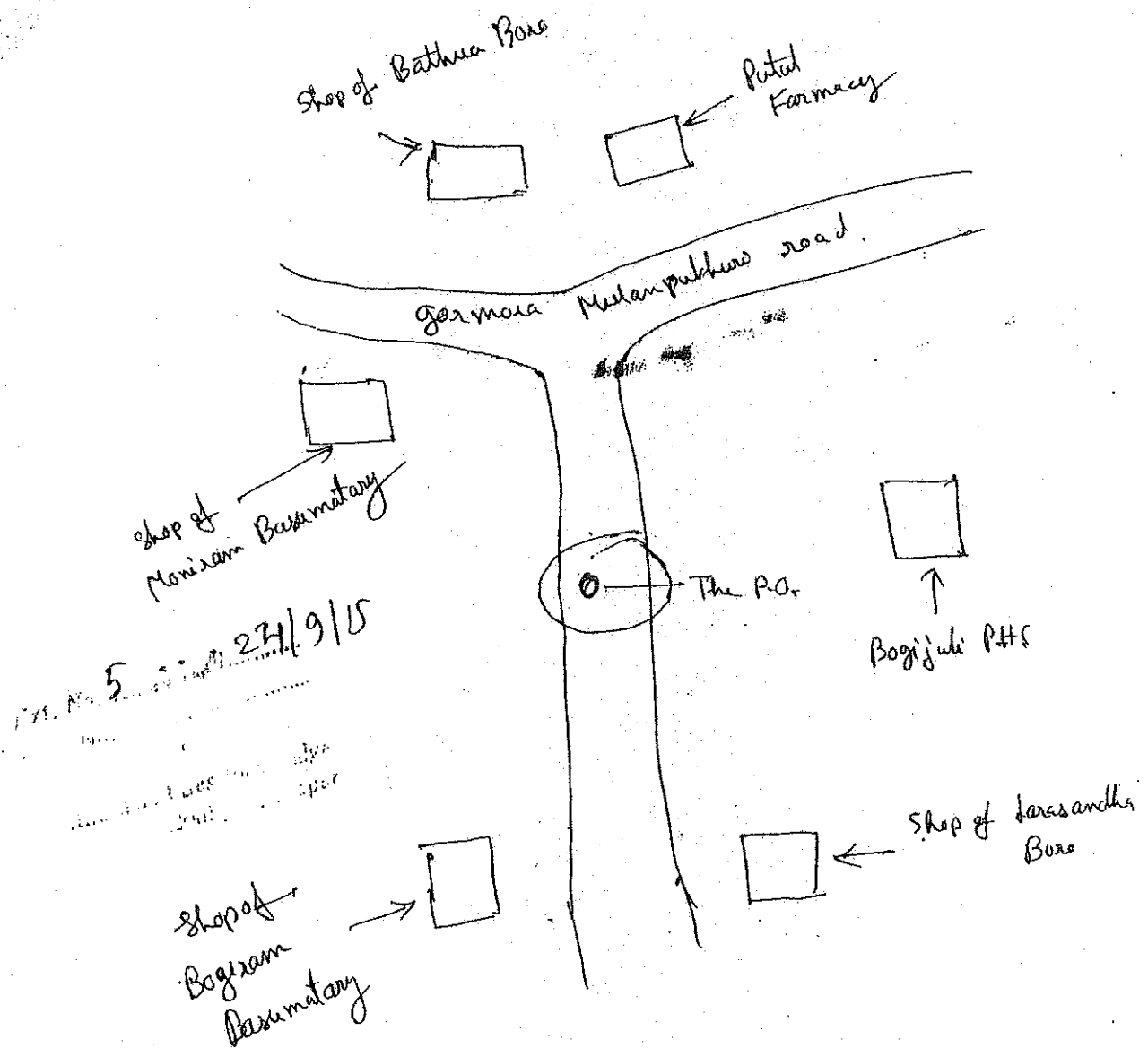
Sd/- Kulendra Bharali, S.I.

I/C, Chariduar O.P.

29/05/07

Rough sketch map of P.S.

Rf: Charidwar O.P. ADE No. 542 dtd 29/8/07



Ext. No. 5 dtd 27/9/15

Shop of Bogiram Basumatary

Ext. No. 5(1) dtd 24/9/15 Drawn by me
29/8/07

Additional Sessions Judge
Sonitpur, Tezpur

5
8
9
L
15

Ext. 6

Sd/-Illegible

Additional Sessions Judge

Sonitpur, Tezpur

24/09/15

Assam Schedule XL-A (Part-1), Form 140

**CHALAN FOR USE WHEN A DEAD BODY IS SENT FOR
EXAMINATION**

Chariduar O.P. GDE No. 542, dtd. 29/05/2007

Name and caste of deceased-

Bhoda Boro Swargiary (26 years)

S/o. Lt. Suren Boro (Swargiary)

No. 1 Bogijuli,

P.S.- Rangapara.

(Bodo)

Sex- MAle.

Residence- No. 1 Bogijuli.

Where body was found- At K.C. Hospital, Tezpur.

Date & hour of dispatch and distance from place of post mortem-

On 30/05/07 at 1.55 p.m.

Means of dispatch- Pvt. vehicle.

Name of identifying police officer and of the relations of the deceased
accompanying the corps-

UBC/452 Ranjan Saikia.

Sri Hiren Koch.

Sri Arup Basumatary.

Marks on the body- As per inquest report.

Cause of death- Not known suspected cut injury.

Remarks noting what clothes and article were sent in with the body- As per
inquest report.

Ext. 6(1)

Sd/-Illegible

Additional Sessions Judge

Sonitpur, Tezpur

24/09/15

Sd/- Paran Kr. Sarma, S.I.

Chariduar O.P.

PM ~~done~~ on 30/05/07 at 3.00 p.m.

Ext. 7

Sd/- Illegible

Additional Sessions Judge

Sonitpur, Tezpur

24/09/2015

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

CHARGE SHEET

District- Sonitpur.

Charge sheet No.- 51/07

Dt. 30/05/07

Police Station- Rangapara.

In First Information No- 74/07Dt. 30/05/07

Name, address & occupation of COMPLAINANT

(1)

Smti. Moneswar Swargiary,

W/o. Lt. Suren Swargiary,

of No. 1 Bogijuli,

P.S.- Rangapara.

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 trialIn custody

(3)

Sri Mantu Thakur,
S/o. Lt. Bhola Thakur,
of No. 1 Bogijuli,
P.S.- Rangapara.

On bail or recognizance

(4)

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

(5)

Nil.

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

(6)

1. Sri Hiren Koch,
S/o. Lt. Kamala Koch.
2. Sri Kamal Boro,
S/o. Lt. Iarasandha Boro.
3. Sri Moniram Basumatary,
S/o. Lt. Khargeswar Basumatary.
4. Sri Anil Koch,
S/o. Lt. Sukan Koch.
5. Sri Rajesh Thakur,
S/o. Lt. Bhola Thakur.

6. Sri Arup Basumatary,
S/o. Sri Bogiram Basumatary.
7. Smti. Moneswar Swargiary,
W/o. Lt. Suren Swargiary.
All are of No. 1 Bogijuli,
P.S.- Rangapara.
8. Dr. R.K. Mahanta,
M. & H.O.,
Kanaklata Civil Hospital, Tezpur.
9. S.I. Paran Kr. Sarma,
Rangapara P.S.

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

(7)

The prosecution story, in brief, is that on 30-05-2007, complainant Smt Moneswar Swargiary, W/o-Late Suresh Swargiary, R/o- No. 1 Bogijuli, P.S. - Rangapara, Dist.- Sonitpur (Assam) arrived at the O.P. and by lodging an ejahar informed that around 6-00 PM on 29-05-07, a boy Sri Mantu Thakur by name of the same village caused grievous injury to her son Sri Bhoda Bodo (Swargiary) by dealing 3/4 dao blows on his head and that succumbed to the injury on the way to Tezpur Civil Hospital.

In course of investigation I visited the P.O., examined the complainant and witnesses and collected the P.M. examination report of the deceased. From

all the evidence and confessional statement of the accused I found the case well established against accused Sri Mantu Thakur, son of Late Bhola Thakur, a resident of No. 1 Bogijuli, P.S.- Rangapara of committing offence punishable U/S 302 IPC. So, I have submitted the charge sheet before this Hon'ble Court under the said section of IPC with a prayer to hold trial against the accused. One P.M. examination report is furnished herewith. The witnesses named in col. 6 will prove the case.

Ext. 7(1)
Sd/- Illegible
Additional Sessions Judge
Sonitpur, Tezpur
24/09/15

Sd/- Paran Kumar Sarma, S.I.
Rangapara P.S.

Signature of Investigating Officer

Forwarded to C.J.M. Tezpur Court through P.I. Tezpur Court. The case is returned in C.S. u/s 302 I.P.C. against the accd. noted in Column No. 3. Enclosed one copy of inquest report, one copy of dead body challan and one copy of P.M. report for favour of trial.

Sd/- Illegible
Officer Incharge
Rangapara Police Station
Sonitpur (Assam)
Date- 29/03/08

Forwarded
Sd/- Illegible
03/04/2008
Prosecuting Inspector
Tezpur Court

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**
Paper IV
(Official Language)

Date: 25.11.2018 (Sunday)
Total Marks :50

Duration: 2 hours
Time: 1 pm to 3 pm

PAPER-IV

১. 'লিঙ্গ বৈষম্য ভক্তিৰ ক্ষেত্ৰত এক অন্তৰায় হ'ব নোৱাৰে' – সৰ্বীমালা মন্দিৰৰ ক্ষেত্ৰত উচ্চতম ন্যায়ালয়ে দিয়া এই ৰায় সম্পৰ্কে ন্যূনতম ২০০ শব্দৰ ভিতৰত এটি বিশ্লেষণ কৰক। ৫
২. তলত দিয়া যিকোনো এটা বিষয়ৰ ওপৰত ন্যূনতম ৫০০ শব্দৰ ভিতৰত এখন ৰচনা লিখক ১০
 ক) নিম্ন আদালতসমূহত দুনীতি – ন্যায়াধীশসকলৰ কৰ্তব্য
 খ) ন্যায়পালিকাত গোপনীয়তা – জনতাৰ আস্থাৰ প্ৰতি এক ভাবুকি
 গ) উচ্চতম ন্যায়ালয়ৰ (যিকোনো) পাঁচটা শেহতীয়া ঐতিহাসিক ৰায়
৩. নিম্নলিখিত জতুৱা-স্টীচসমূহৰ যিকোনো তিনিটাৰ অৰ্থ লিখি বাক্য ৰচনা কৰক ৩
 (ক) কপালত জুই লাগ (খ) ম'হতকৈ শিং চৰা
 (গ) দাঁতে ওঠে নালাগ (ঘ) ভিকাচন ভাগ
 (ঙ) কাঠ সংস্কাৰ কৰ (চ) শঠা-মিতিৰ
৪. বিপৰীতৰ্থক শব্দ লিখক (প্ৰতিটোৰ বাবে $\frac{2}{2}$ নম্বৰকৈ) ২
 (ক) প্ৰলয় (খ) অপব্যয়ী
 (ঘ) অপযশ (ঙ) ফৰিয়াদী
৫. তলত দিয়া শব্দবোৰৰ দুটাকৈ প্ৰতিশব্দ লিখক (প্ৰতিটোৰ বাবে $\frac{2}{2}$ নম্বৰকৈ) ২
 (ক) ধৰিত্ৰী (খ) ছতাশন
 (ঘ) আলয় (ঙ) ত্ৰিয়ামা
৬. বিশেষণ ৰূপ লিখক (প্ৰতিটোৰ বাবে $\frac{2}{2}$ নম্বৰকৈ) ২
 (ক) বৈচিত্ৰ (খ) বিমান
 (ঘ) হুস্বতা (ঙ) অনুৰাগ

৭. তলত দিয়া শব্দবোৰৰ বানান শুদ্ধকৈ লিখক (প্ৰতিটোৰ বাবে $\frac{2}{2}$ নম্বৰকৈ) ২
- (ক) দুৱাৰ-দলি (খ) চাফুস
(ঘ) চান্দ্রায়ন (ঙ) অক্ষৌহিনী
৮. তলত দিয়া যিকোনো দুটা ফকৰা-যোজনাৰ ভাব সম্প্ৰসাৰণ কৰক (প্ৰায় ৫০ টা শব্দৰ ভিতৰত) ২X২= ৪
- (ক) আপদৰ মাত আকালৰ ভাত
(খ) ধান পকে মানে টুনিৰ মৰণ
(গ) সমাজত থাকি নেমাতে উচিত, দোষে পায় কিঞ্চিত কিঞ্চিত
৯. তলত দিয়া ইংৰাজী Proverb বোৰৰ সমাৰ্থক অসমীয়া ফকৰা-যোজনা লিখক (যিকোনো ৪ টাৰ) ৪
- a. When in Rome do as the Romans do
b. Necessity is the mother of invention
c. Even Homer sometimes nods.
d. Much cry, little wool.
e. Strike while the iron is hot
f. The child is the father of the man
১০. তলত দিয়া শব্দবোৰৰ অসমীয়া পৰিভাষা লিখক (প্ৰতিটোৰ বাবে $\frac{2}{2}$ নম্বৰকৈ) ৪
- a. admonition b. arbitral Tribunal
c. Impeachment d. ultra vires
e. amnesty f. Solicitor General
g. suffrage h. Res ipsa loquitur
১১. চমু টোকা লিখক (যিকোনো দুটা) ৩ X ৩= ৬
- (ক) মৰগীয়া বানচ
(খ) অসমত ডাইনী হত্যা আৰু উচ্চ ন্যায়ালয়ৰ ভূমিকা
(গ) কৰ্মক্ষেত্ৰত মহিলাৰ সুৰক্ষা আৰু আইন
১২. তলৰ অনুচ্ছেদটো অসমীয়াত অনুবাদ কৰক ৬

The soil of the Brahmaputra valley is fertile, but its climate is damp and relaxing, so that, while the people enjoy great material property, there is a strong tendency towards physical and moral deterioration. Any race that had been long resident there, though rising in the scale of civilization and gaining proficiency in the arts of peace, would gradually become soft and luxurious and so, after a time, would no longer be able to defend itself against the incursions of the hardier tribes behind them. The latter would then encroach in all directions, and would harry the plains with constant raids, killing the men and carrying off the women, and reducing the country to a condition bordering on anarchy.

- Sir Edward Gait