

THE GUAHATI 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 Judicial Service, 2018

Date: 20-01-2019 (Sunday)

Time: 9.00 am to 12 noon

Total marks: 100

Duration: 3 (Three) hours

PAPER- I

1. Write an essay on "Glimpses of the year 2018. (10 marks)
2. Answer the questions following below mentioned paragraph [1/2 marks each] (05)

"February is usually a season of house-warming functions thread ceremonies and quick wedding, particularly for software engineers who come back from the U.S.A on short visits. It is also the time for students to prepare for their examinations.

My friend Ritu had purchased a house and was keen that her close friends attend the house-warming ceremony. For us, it was an occasion to get together after a long time. The traditional ceremony was going on when I reached her house at an early hour. The other friends had not yet come. I found a place to sit and watched the Puja while waiting for my friends. Though the house was quite a big one, the Puja was being performed in a small hall and just two carpets had been spreads for the guests to sit on. Ritu was busy doing the Puja. She was wearing a beautiful silk saree and the flowers in her hair added to her grace. As usual, the majority of the guests had nothing to do and were thus engrossed in chatting about a variety of topics- the problems of teenagers, the prime minister, gossip about Allia Bhatt, the best beauty parlours, the latest fashion jewelleryes; the list was endless. However, it was a subject of in-laws that received the maximum attention and active participation from many."

- i. What are the different activities which are usually done in the month of February?
- ii. What was the priority of the author in attending the house-warming ceremony?
- iii. Who amongst the guest was the first to arrive for the ceremony?
- iv. What was the sitting arrangement for the guests in the ceremony?
- v. What major activity were the guests engaged with during the house-warming ceremony?
- vi. From the nature of the activities of the guests mentioned, what gender the guests were mostly?
- vii. What was the most discussed topic of the guests?
- viii. Why do the software engineers coming from the U.S. have quick weddings?

- ix. What was the apparel of the host?
- x. Give two examples of get together.

3. Give the collective nouns for the following: [$\frac{1}{2}$ each] (05)

- i. A of rhinoceros
- ii. A of owls
- iii. A of rubbish
- iv. A of rioters
- v. A of fish
- vi. A of crows
- vii. A Of Lions
- viii. A Of geese
- ix. A Of worshippers
- x. A of snails

4. Give the names of the homes of the respective animals: [$\frac{1}{2}$ each] (05)

- i. Lion
- ii. Dog
- iii. Sheep
- iv. Tiger
- v. Bee
- vi. Squirrel
- vii. Horse
- viii. Eagle
- ix. Rabbit
- x. Spider

5. Sounds of animals : [$\frac{1}{2}$ each] (05)

- i. Bees
- ii. Cow
- iii. Donkey
- iv. Chicken
- v. Dolphins
- vi. Elephant
- vii. Frogs
- viii. Sheep
- ix. Parrots
- x. Hyena

6. Name the young ones of the following animals: [1/2 each] (05)

- i. Duck
- ii. Boar
- iii. Deer
- iv. Kangaroo
- v. Goat
- vi. Swan
- vii. Horse
- viii. Bat
- ix. Ape
- x. Sheep

7. Give the singular/plural form : [1/2 each] (05)

- i. Alumni
- ii. Aquarium
- iii. Bacteria
- iv. Curriculum
- v. Deer
- vi. Fungus
- vii. Memorandum
- viii. Thesis
- ix. Syllabus
- x. Sheep

8. Give the correct prepositions: [1/2 each] (05)

- i. My kite soaredthe building
- ii. He came to the classseveral minutes.
- iii. We located the key the door.
- iv. The swallows flew the trees.
- v. She put the flowers the window.
- vi. The child drew the picture a crayon.
- vii. The bus went the tunnel.
- viii. He walked the street.
- ix. The caterpillar turned a butterfly.
- x. She never leaves her phone.

GROUP-B
(General knowledge including Reasoning and Aptitude)

9. General Knowledge

[1 mark each] 30

- i. Which major Insurance Company of India is celebrating its centenary celebration this year?
- ii. Of which national magazine Aroon Purie is the Editor-in Chief?
- iii. Why Shri Sanjaya Baru is recently in the news?
- iv. What is the full form of C.A.V?
- v. Meaning of the Latin term "Caveat Emptor"?
- vi. Meaning of the Latin term "Res Ipsa Loquitur"?
- vii. What was the name of the controversial rifle leading to the Sepoy Mutiny?
- viii. Name the company which was involved with the Bhopal Gas tragedy.
- ix. Which new principle of liability was developed in India after the Bhopal Gas Tragedy?
- x. Connect Sir R.F. Lodge with the Indian Judiciary.
- xi. Who was the first Union Law Minister of Independent India?
- xii. Give the full form of "A.R." Rahman.
- xiii. How do you better know Dilip Kumar in the national music industry?
- xiv. What is common to "Pelican Brief", "The Chambers", "The Innocent Man", "The Firm", "The Client"?
- xv. Give the name and year of the Act of Parliament, by which the State of Nagaland was formed.
- xvi. How do you better know Yusuf Khan in the Bollywood film industry?
- xvii. What was the Constitutional amendment and the Article in the Constitution of India with regard to formation of the State of Nagaland?
- xviii. How do you better know Avash Kumar Ganguly in the Hindi Music Industry?
- xix. "Brief answer to the Big Questions" is a publication after the death of which author and legendary physicist?
- xx. "281 And beyond" is penned by which Sports personality?
- xxi. How is Diezephe in the Dimapur District better known for?
- xxii. What is common to Chatrapati Shivaji, Subhas Ch. Bose, Gopinath Bordoloi & Indira Gandhi?
- xxiii. Who was the first CJI of Independent India?

- xxiv. We all know the net search software Google but what is the meaning of 'Googol'?
- xxv. Open-Secret, Clearly-Confused, Seriously-Funny, Act-Naturally, Bitter-Sweet are examples of what
- xxvi. Who drafted the Indian Penal Code?
- xxvii. Which famous sports person's latest autobiography is titled "No Spin"?
- xxviii. Who is an Ophthalmologist?
- xxix. Connect the Mahabharata and Dimapur.
- xxx. What monument was constructed in the year 1911 to commemorate the landing of King George V and Queen Mary?

10. REASONING

[2 marks each] 10

- i. Pointing to Manju, Raju said, "The son of her only brother is the brother of my wife." How is Manju related to Raju?
 - a. Grandmother
 - b. Mother-in-law
 - c. Sister of father-in-law
 - d. Sister

- ii. If "SUPREME" is written as "EMERPUS", then "PREPOSITION" will be
 - a. NOITISPOERP
 - b. NOITISOPERP
 - c. NOITISOPREP
 - d. POSITIONPRE

- iii. Fill in the blank:
2, 5, 11, 23, 47,
 - a. 90
 - b. 101
 - c. 49
 - d. 95

- iv. After walking 6 Km, I turned right and travelled a distance of 2 Km, then turned left and covered a distance of 10 Km. In the end, I was moving towards the north. From which direction did I start my journey?
- North
 - South
 - South-West
 - North-East
- v. In a certain code language if the word "MUSEUM" is coded as "LSPAPG", then how will the word "PALACE" be coded in that language?
- OYIWXY
 - OYIXYW
 - IYXYWO
 - YXWYOI

11. APTITUDE

- i. A fruit seller had some apples. He sells 40% apples and still has 420 apples. Originally, he had
- 588 apples
 - 600 apples
 - 672 apples
 - 700 apples
- ii. **A** can do a work in 15 days and **B** in 30 days. If they work on it together, then how much time will A & B take to complete the work
- 4
 - 10
 - 15
 - 20
- iii. How much time will it take for an amount of Rs. 450 to yield Rs. 81 as interest at 4.5% per annum of simple interest?
- 3.5 years
 - 4 years
 - 4.5 years
 - 5 years

- iv. A person crosses a 600m long street in 5 minutes. What is his speed in Km per hour?
- a. 3.6
 - b. 7.2
 - c. 8.4
 - d. 10
- v. Alfred buys an old scooter for Rs. 4700 and spends Rs. 800 on its repairs. If he sells the scooter for Rs. 5800, his gain percent is-
- a. $4\frac{4}{7}$ %
 - b. $5\frac{5}{11}$ %
 - c. 10 %
 - d. 12 %
-

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Main written examination for direct recruitment to Grade-I of Nagaland Judicial Service, 2018

Date: 20-01-2019 (Sunday)

Time: 1.00 pm to 4:00 pm

Total marks: 100

Duration: 3 (Three) hours

PAPER- II

Group – A

Answer the following briefly: -

2 X 12 = 24 Marks.

- Q.1) In a suit for specific performance of contract, time from which period limitation begins to run?
- Q.2) A judgment was delivered by the Court of Munsif on 5th March, 2018. Certified copy was applied for on 12th March, 2018. Date for notifying the requisite number of stamps and folios was fixed on 16th March, 2018. Folios and stamps were made over on 23rd March, 2018. The certified copy was made ready on 28th March, 2018. Certified copy was taken delivery on 23rd April, 2018. The Appeal was filed on 15th June, 2018.
- (i) When the limitation expired for preferring an appeal against the said judgment?
- (ii) The appeal was barred by how many days?
- Q.3) What are the kinds of leases? Which are the leases of immovable property that can be made only by a registered instrument as provided under Section 107 of the Transfer of Property Act, 1882?
- Q.4) What are the essentials of a valid gift under the provisions of the Transfer of Property Act, 1882?
- Q.5) State the three provisions of the Code of Civil Procedure, 1908, which precludes a plaintiff from instituting a fresh suit on the same cause of action?
- Q.6) What are the essentials of a judgment of Courts under the Code of Civil Procedure, 1908, other than a Small Causes Court?
- Q.7) Whether a Magistrate has the power to direct the police to investigate under the provisions of the Code of Criminal Procedure, 1973? If so, which is that provision and what kind of offence that Magistrate can direct police to investigate?
- Q.8) When can pre-summoning of witness for recording of evidence may be dispensed with under Section 200 of the Code of Criminal Procedure, 1973?
- Q.9) In which case a statement of a witness recorded under Section 164 of Cr.P.C. can be treated as Examination-in-Chief?
- Q.10) Whether the Trial Court while trying a criminal case should consider the opinion of the handwriting expert? If not, why? If yes, to what extent?

- Q.11) A in a great fire, pulls down houses in order to prevent the conflagration from spreading, with the intention in good faith of saving human life and property. Whether A will be guilty of any offence under the Indian Penal Code? If not, under what circumstance?
- Q.12) X intending to cause a theft to be committed, instigates Y to take property belonging to Z out of Z's possession. X induces Y to believe that the said property belongs to X. Y takes the property out of Z's possession, in good faith, believing it to be X's property. Whether any offences have been committed by X and Y? If so, specify who committed what offence under the Indian Penal Code.

Group – B

Distinguish between the following by giving suitable illustrations within 150 words for each of the answer.

5 X 6 = 30 Marks.

- Q.13) What are the differences between a Necessary Party and a Proper Party?
- Q.14) What are the difference between Summons Procedure and Warrant Procedure Case?
- Q.15) What are the difference between Kidnapping and Abduction?
- Q.16) What are the difference between Primary Evidence and Secondary Evidence?
- Q.17) What are the differences between Lease and Licence?
- Q.18) While computing the period of limitation in legal proceeding, what are the difference between Effect of Acknowledgement in Writing and Effect of Acknowledgement or Payment by Another Person?

Group – C

Explain the following briefly:-

- Q.19) In what type of proceedings Section 5 of the Limitation Act, 1963 will be applicable? Explain "sufficient cause" as prescribed under Section of 5 of the said 1963 Act, placing reliance on the Judgment of the Hon'ble Supreme Court?
- 6 Marks.
- Q.20) What are the different stages of the Examination of Witnesses? Explain each of them with their objects? Whether leading question can be asked during such examination of witness? If not, when and if, yes, when?
- 8 Marks.
- Q.21) What are the stages of a crime? What is an attempt to commit an offence? Explain Preparation and Attempt in Criminal Law? What do you mean by attempt to commit murder? Whether without causing injury can a person be held guilty of attempt to commit murder?
- 8 Marks.
- Q.22) 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 Marks.

Q.23) Define Sale of immovable property. How sale of immovable property is made? State the rights and liabilities of buyer and seller.

8 Marks.

Q.24) What do you mean by temporary injunction? What are the provisions relating issue of temporary injunction?

8 Marks.

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Date: 21-01-2019 (Monday)

Time: 9.00 am to 12:00 Noon

Total marks: 100

Duration: 3 (Three) hours

PAPER- III

CONSTITUTIONAL LAW

Answer any three of the following-

(10x3=30)

1. Explain the significance of the Preamble of the Indian Constitution.
Why it is called 'the key' to the open constitution?
2. Describe in brief the right to freedom of religion as provided under the Articles 25 to 28 enshrined in the constitution as fundamental rights.
3. What are the different kinds of writs? Compare and contrast the writ jurisdiction of the Supreme Court with that of the High Court.
4. "No person shall be deprived of his life or personal liberty except according to procedure established by law" Elucidate the statement with special reference to the concept of life.
5. Write an exhaustive note justifiability of Directive Principle of state policy. Discuss the provision of uniform civil code as provided under Directive principle of state policy. Cite Supreme Court cases.
6. Write a note on safeguards against arbitrary arrest and detention.
7. Answer any two questions (2x5=10)
 - (i) Judicial Activism
 - (ii) Double Jeopardy
 - (iii) State Emergency
 - (iv) PIL.
 - (v) Repugnancy between a central law and a state law.

JURISPRUDENCE

8. Answer any 2 of the following questions- (10X2=20)

- (i) Explain the essential characteristics of legal rights. Are rights and duties always correlated? Justify your answer.
- (ii) Define the ownership. What are the different kinds of ownership?
- (iii) State what you mean by administration of justice .Bring out the distinction between civil and criminal administration of justice.
- (iv) Write briefly the theories of punishment.
- (v) State the importance of (i) Custom (ii) Legislation and (iii) Judicial precedent as a source of law.

JUDGMENT WRITING

9. Write a judgment on the basis of the Paper-Book Which is enclosed.

PAPER BOOK

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(1)

GR No. 285/11

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

Seen. A 2p.m.
Sd/- Illegible
Chief Judicial Magistrate
Golaghat
10-3-11

1. District : Golaghat P.S. : Komargaon Year: 2011
FIR No. 16/11 Date : 9/3/2011
2. (i) Act : I.P.C. Sections : u/s 342/325/307 IPC
(ii) Act : _____ Sections : _____
(iii) Act : _____ Sections : _____
(iv) Other Acts & Sections : _____
3. (a) Occurrence of offence : Day- Not noted Date from - 9-3-2011 Date to : 8 AM
Time period _____ Time from _____ Time to _____
(b) Information received at P.S. Date- 9-3-2011 Time: at 5-30 PM
(c) General Diary Reference : Entry No.163 Time: 5-30 PM
4. Type of Information : Written/Oral : Written
5. Place of Occurrence :
(a) Direction and distance from P.S. : 6km East
(b) Address : Bongaon Mouza Khumtai,
PS. Komargaon Dist. Golaghat
(c) In case, outside the limit of this Police Station, then
Name of P.S. _____ District _____
6. Complainant Information :
(a) Name : Sri Deva Nayak
(b) Father's Name : S/O Late Samaru Nayak
(c) Date/Year of Birth : 1966
(d) Nationality : Indian
(e) Passport No. _____ Date of Issue _____ Place of Issue _____
(f) Occupation : Cultivator
(g) Address : Bongaon PS. Komargaon Dist. Golaghat

(2)

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

(1) Sri Bijoy Nayak @ Sahani, Bongaon, P.S. Komargaon

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 _____

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

12. First Information Contents: (Attach separate sheet, if required):

The written report of the complaint received at the PS and treated as F.I.R. which is enclosed here with.

13. Action taken : Since the above information reveals commission of offence (s) u/s as mentioned at item No. 2 registered the case and took up the investigation/ directed* SI Abdush Salam will investigate the case to take up the investigation/transferred to P.S. _____ on point jurisdiction.

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

L.T.I. Sri Deb Nayak

Signature / Thumb impression of
The Complainant / Informant

*Exhibit No. 4(2)
Sd/- Illegible
Session Judge
Golaghat
16/2/16*

*Sd/- Dipak Sarmah S.I.
Officer In-charge of Police
Komargaon Police Station
Dist. Golaghat, Assam
9/2/16*

Signature of the Officer in-Charge
Police station with

Name: Sanjib Kr. Borah
Rank: Inspector
Number if any:

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GR No. 285/11

Ext.4
Sd/- Illegible
Session Judge
Golaghat
16/2/16

EJAHAR

Seen
Sd/- Illegible
Chief Judicial Magistrate
Golaghat
10/3/11

To

The Officer-in-Charge,
Kamargaon Police Station, Kamargaon

Subject: Ejahar in connection with Bijoy Nayak's assaulting and setting fire to his wife Smt. Jayanti Nayak by pouring Kerosene on her person

Date: 09.03.2011

Sir,

Humble Submission is that around 8a.m. today Shri Bijoy Nayak, a resident of Bongaon under Kamargaon Police Station brutally assaulted his wife Smt. Jayanti Nayak, who is my daughter by closing the door from inside and then set fire to her by pouring kerosene on her person. Now she is undergoing treatment but she is in critical state. Although the intimation was given to you, no written information was lodged in this regard.

I, have, therefore, submitted hereby this ^{written} intimation with a prayer for taking necessary action.

This is my humble prayer before you.

Yours faithfully

LTI of Shri Dev Nayak
S/O Lt. Samaru Nayak
Bongaon

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Received and registered Komargaon P.S. C/No. 16/11 u/s 342/325/307 IPC dt. 9/3/11

Ext. 4(1)
Sd/- Illegible
Session Judge
Golaghat
16/2/16

Sd/- Illegible
Officer-in-charge
Kamargaon Police Station
Dist. Golaghat, Assam
Date 09/3/11

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16

High Court Criminal process No. 32

CHARGE WITH ONE HEAD

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

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

(1) Name and office of (1) I, SHRI P.K. ROY, Magistrate etc. SESSIONS JUDGE, GOLAGHAT,

(2) Name of accused hereby charge you (2) Shri Bijay Nayak @ Bijay Sahani, person.

as follows:-

(3) State the offence

That you on the 9th day of March, 2011 at about 8 am at Bongaon under Komargaon Police Station of Golaghat district, caused injuries on the person of your wife Smti. Jayanti Nayak with the intention of causing her death and due to sustaining such bodily injury said Jayanti Nayak succumbed to her injuries on 21.03.2011 ;

(4) My cognizance or the cognizance of the court of session.

and thereby committed an offence punishable under Section of 302 of The Indian Penal Code and within (4) my cognizance.

(5) In case tried by Magistrate and by said court.

And I hereby direct that you be tried (5) by the said court on charges

Dated this 27th day of June, 2011

Charge is framed, read over and explained to the accused person, to which he pleads not guilty and claims to be tried.

SESSIONS JUDGE, GOLAGHAT

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Assam schedule VIII, Form No.127
High Court Criminal Form No. (M) 106

ORDER SHEET FOR MAGISTRATE RECORDS

DISTRICT
IN THE COURT OF
NO.

of 200
versus

of

Serial No. of Orders	Date	Order	Signature
	19.5.11 Sd/- Shri Bijoy Nayak Sahani	<p>Accused is present. Copy is ready and same is furnished to accused.</p> <p>Perused C.R. It appears that the alleged offence u/s 302 IPC is exclusively triable by the court of Session. As such, lets commit this case to the court of Session u/s 209 Cr. P.C.</p> <p>Notify the P.P. of the commitment of the case to the court of Session.</p> <p>Send the C. R. to the session court along with articles, if any.</p> <p>Seen Pet. No. 1152/11 with a prayer to allow the accused to remain on previous bail. Perused Cr. satisfied and prayer allowed.</p> <p>Fix on 30.5.11 for app.</p>	Sd/- Illegible Judicial Magistrate 1 st Class Golaghat (Assam)

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

FORM FOR RECODING DEPOSITION

THE DEPOSITION of P. W. 1
aged about 33 years taken in oath or solemn affirmation under provisions of the Indian
Oaths Act. X of 1878 before me Sri P.K. Roy, Sessions Judge, Golaghat.
this 9.1.2012. day of _____ of _____

My name is Dr. Partha Gohain.
My father's name is Sri P.C. Gohain.
by caste _____
Police Station _____
I reside at present in Mauza Golaghat.
District Golaghat.

I am _____
My house is at Mauza _____
District _____
Police Station Golaghat.
where I am Medical & Health Officer 1,
Kushal Konwar Civil hospital,
Golaghat.

ON OATH :

That on 10.3.2011, I was serving as Medical & Health Officer-1 at Kushal Konwar Civil hospital, Golaghat. On that day, as per prayer of police, I examined Smti. Jayanti Nayak in order to record her dying declaration, who was then lying in a dead bed & after sustaining severe burn injuries. The patient was identified by GNM Smti. Archana Baruah and relative of the victim Smti. Bobita Nayak. I have recorded the statement of the aforesaid victim woman. Ext-1 is the statement of the aforesaid victim woman, wherein, Ext-1(1) is my signature. The victim Jayanti Nayak put her thumb impression in Ext-1 in my presence and same was endorsed by a police officer.

X X X X X X X X X X X X

In Ext-1, I have not mentioned the physical and mental conditions of the victim Jayanti Nayak. I have stated nothing in Ext-1, as to who identified the victim woman at the time of her examination. At the time of giving dying declaration by the victim woman, she could not speak fluently and in understandable manner, for

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which another woman was engaged to interpret her language. In the thumb impression of the victim woman, there is no endorsement of anybody. It is not a fact that the dying declaration recorded by me is not connected with this case.

R.O. & AC.

July 9.1.2012

Sessions Judge,
Colaghat.

Jan 11. 2012

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W.2 in Sessions case no. 81/2011

Aged about 40 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T. Lohar, Sessions Judge, Golaghat

This 01/10/2012 day of

My name is : Sri Deba Nayak I am

My father's name is : Late Samaru Nayak

by caste : My house is at Mauza: Bongaon

Police Station : *Komargaon* District : Golaghat

I reside at present in Mouza : Police Station :

District : Golaghat Where I am : Daily Labour

On S/A,

Accused Bijoy Nayak is my son-in-law i.e. my daughter's husband. Deceased Jayanti Nayak was my daughter. About 1 ½ years ago, one day around 8 a.m. Jayanti Nayak died. At that time, I was having tea at my home. Accused son-in-law's house is close to that of mine.

My daughter Jayanti Nayak caught fire and came out of Bijoy Nayak's house screaming. Coming out of my house I saw fire on her person. She told me that accused Bijoy poured Kerosene on her person and then set fire to her. Jayanti Nayak put out the fire by jumping into a pond that is nearby our house. My wife took Jayanti Nayak out from the pond. When her mother asked, Jayanti Nayak told her that the accused had poured Kerosene on her in the rear end inside the house and then set fire to her. I got Jayanti Nayak admitted into the Golaghat K.K. Civil Hospital on that day itself. When asked, she told the same to the doctor also. Some ten days after the incident, Jayanti

Nayak expired in K.K. Civil Hospital, Golaghat, I lodged an ejahar with Kamargaon Police Station before Jayanti Nayak's death. I am illiterate. When police prepared the papers at the hospital I was present there. And, I put my thumb impression therein.

A long gateway bifurcated to the right from the NH-37 (Golaghat to Bokakhat road) leads to Bijoy Nayak's house. Bijoy Nayak's courtyard is in front of his house and there is Bikram Sahni's house in front of that courtyard. In front of Bijoy Nayak's house, there is Sitaram Sahni's house facing the NH.

My house is beside the Highway and it is facing the highway. Our pond is in front of our house and adjacent to the highway.

I used to meet my daughter every day. On the day of occurrence also I met her. At that time she was hale and hearty. She had even talked to me.

Accused Bijoy's mother and sister also live at accused person's house. There are two rooms in their house. At Golaghat Hospital, the injured person put her thumb impression on the Ext.1.

The police recorded my statement immediately after that. I did not tell police about my daughter telling me that accused Bijoy had set fire to her by pouring kerosene on her.

I did not tell police that the injured had told her mother that accused Bijoy had set fire to her by pouring Kerosene on her person in the rear end inside the house.

It is not a fact that I have stated all these falsely before the court.

LTI of Deba Nayak

*R.O. & A.C.
Sd/- Illegible
01/10/2012
Sessions Judge
GOLAGHAT*

(11)

(20)

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

FORM OF RECORDING DEPOSITION

THE DEPOSITION of PW 3

aged about 36 years taken in oath or solemn affirmation under provisions of the Indian Oaths, Act.X of 1878 before me Sri T.Lohar, Sessions Judge, Golaghat.

this 1st day of October, 2012

My name is Dr.Pallabi Gogoi
My father's name is W/O Dr.Surajit Phukan
by caste I am

My house is at Mauza
District
Police Station Golaghat
where I am Medical & Health Officer
at KK Civil Hospital, Golaghat.

Police Station
I reside at present in Mauza Golaghat town
District Golaghat

Dr. Pallabi Gogoi

On oath,

On 21.03.11 I was working at KK Civil Hospital, Golaghat as M&HO(I) and on that day I have done autopsy on the dead body of late Jayanti Nayak, 15 years, female, Hindu, of village- Bangaon, PS Kamargaon, Dist. Golaghat being escorted and identified by UBC/152 Deba Bora, and relatives -Anand Kumar and Baba Nayak in reference to Kamargaon PS Case No.16/11 dtd.9.3.11 and found the followings.

EXTERNAL APPEARANCE:

A dead body of an adult female, medium height, swarthy with swarthy complexion with long black hair. Eyes closed and Rigor mortis present.

The skin of the whole body from below the neck is burnt with multiple black blister. There is deep burn in some parts of the body. Percentage of burn is about 80%.

Cranium and spinal canal= all congested.

Thorax =Wall= superficial burn with areas of deep burn. Ribs and cartilage are normal. Heart= Right chamber contains blood and left chamber empty. Others= congested.

Abdomen =Walls- Multiple blister due to burn. Stomach- congested and contains undigested food material. Small Intestine- congested and contains semi-digested found. Large intestine- congested and contains faecal matter. Others- congested.

Liver-congested, spleen- congested, kidneys- congested. Bladder- congested and contains small amount of wine. Organs of generation - healthy and uterus is normal in size.

The dead body has got black skin blister and more than 80% burn all over the body except the head, neck and sole.

The burn is antemortem in nature. Rigor mortis present, so time since death is within 36 hours.

OPINION : In my opinion, the cause of death of the deceased is due to shock as a result of the burn injuries sustained by the deceased.

Ext.2 is my post- mortem report and Ext.2(1) is my signature. Ext.2(2) is the signature of Dr. Apura Hazarika, Supdt. of KK Civil Hospital, Golaghat and Ext.2(3) is the signature of Dr. Prafulla Bhuyab, the then Jt. Director of Health Services, Golaghat. I know their signatures.

XXXXXXXXXXXXXX

Duration of death and examination of time may be extend to above 36 hours.

Dictated & corrected
by me

RO & AC

Sessions Judge, Golaghat

Sessions Judge, Golaghat.

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W.4 in Sessions case no. 81/2011

Aged about 46 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T. Lohar, Sessions Judge, Golaghat

this 01/10/2012 day of

My name is : Sri Thuluk Nayak I am

My father's name is : Late Joidhan Nayok

by caste : My house is at Mauza:

Police Station : Kamargaon District :

I reside at present in Mouza : Bongaon P.S. :

District : Golaghat Where I am : Business

On S/A,

Accused Bijoy Nayak is the son of my maternal uncle. Deceased Jayanti Nayak was the wife of accused Bijoy.

I was not at home at the time of the occurrence. When I reached home around 10/11 a.m. Jayanti had been taken to the hospital by an 108 ambulance. When Jayanti was brought to Golaghat Hospital from Bokakhat Hospital by my vehicle, I saw her in an injured state. I do not know how she caught fire. After the occurrence when the O/C of the P.S. came to the house of the accused, I went there to see the matter. Then police asked me to put my signature and I did accordingly. I do not know what article the police had seized. Ext. 3 (1) is my signature on Ext. 3 , the paper and I put that on being asked by the police.

Arresting Bijoy Nayak when police brought him to his home, I put my signature vide Ext. 3(1). Police did not seize any article.

XXXXXXXXX declined

Nil

Sd/- Shri Thuluk Nayak

R.O & A.C

Sd/- Illegible

01/10/2012

Sessions Judge

GOLAGHAT

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W.5 in Sessions case no. 81/2011

Aged about 40 years taken in oath or solemn affirmaion under provisions of the Indian Oaths Act. X of 1978 before me *T. Lohar, Session Judge, Golaghat*

This 27/11/2012 day of

My name is : Smti Archana Baruah I am

My father's name is : W/O Sri Sibankar Sankar Saikia

by caste : My house is at Mauza:

Police Station : Komargaon District :

I reside at present in Mouza : Dhekial Kolia Gaon Police Station :

District : Golaghat Where I am Staff nurse of
Golaghat Civil Hospital

On S/A,

Doctor Partha Gohain works as a doctor at K.K. Civil Hospital. On 10-03-2011 I was on duty at K.K. Civil Hospital.

Doctor Partha Gohain himself recorded the dying declaration of the burn case. I do not remember whose dying declaration was recorded but I was present there when the dying declaration was recorded and put my signature therein.

Ext. 1 is the dying declaration and Ext. 1 (2) is my signature. I have forgotten who had asked to record the dying declaration.

XXXXXXXXXX

I do not remember whether I was present there or not when the doctor recorded the dying declaration vide Ext. 1.

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I do not know the person whose dying declaration was recorded nor did I identify the person before the doctor.

Mhb
Sd/- Archana Baruah

R.O. & A.C.
Sd/-Illegible
27/11/2012
Sessions Judge
GOLAGHAT

Assam Schedule VIII, Form No. 93

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High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W.6 in Sessions case no. 81/2011

Aged about 30 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T. Lohar, Session Judge, Golaghat

This 27/11/2012 day of

My name is : Smti Bobita Nayok I am

My father's name is : W/O Sri Debo Nayok

by caste : My house is at Mauza:

Police Station : Kamargaon District :

I reside at present in Mouza : Bongaon Police Station :

District : Golaghat Where I am : Daily labour

On S/A,

Accused Bijoy Nayak was my son-in-law. Smt. Jayanti Nayak was my daughter. She is no more.

Accused person's house is situated nearby that of mine. My daughter died before she had completed one year of her marriage.

About 1 ½ years ago, it was around 8 a.m. I was having my tea before going out for my work. At that very moment, having caught fire, my daughter came out of her house with the fire still blazing. She shouted, "mother, father, please save me." With the fire still blazing, daughter fell down into the pond. I took her out of the water. Her whole body was burnt. Only the face and neck remained safe. I took her out. When asked, daughter said that my son-in-law i.e., the accused had set fire to her. Thereafter, I took daughter to Bokakhat Hospital. There from she was sent to Golaghat Hospital. The incident took place on Wednesday. Jayanti Nayak died on Sunday.

At the hospital, I put my thumb impression on a paper.

(16)

XXXXXX

Son-in-law's (accused) father, mother and two sisters live in the same house.

Police did not interrogate me.

I did not state before police in the manner I have stated today.

It is not a fact that I have stated it falsely that daughter had cried for help.

It is not a fact that...(unintelligible sentence)

When I met her all her body, except for face and neck, were burnt and she was able to speak a little. She was unable to speak properly.

Sd/- RTI of Smt. Bobita Nayak

R.O. & A.C.
Sd/-Illegible
27-11-2012

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W.7 in Sessions case no. 81/2011

Aged about 65 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T Lohar, Session Judge, Golaghat

this 16/7/2013 day of

My name is : Sri Sitaram Sahani I am

My father's name is : Lt. Jogu Sahani

by caste : My house is at Mauza:

Police Station : Komargaon District :

I reside at present in Mouza : Bongaon Police Station :

District : Golaghat Where I am : Business

On S/A,

Accused Bijoy Nayak is my eldest son. The accused lives separately. I have no talking terms with Bijoy Nayak's wife. I had no dispute with her. I cannot say her name. I used to call her as 'Mainu'.

I cannot say when accused Bijoy Nayak got married. Bijoy Nayak had lived with my daughter-in-law (i.e. his wife) for a few years. Around 8.30 a.m., I was at home. Then, I heard a hue and cry towards the pond. The pond is nearby the road. It is a little away from Bijoy Nayak's house. Daughter-in-law was lying in the water. I did not go there. I cannot say how she caught fire. Daughter-in-law died in the hospital.

I did not see how she caught fire. Daughter-in-law's parental house is situated nearby the pond.

Her whole body was burnt except for the face. On being asked by police, I put my signature. Ext 3(2) is my signature.

I do not know what police had seized.

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I did not witness who had set fire to her.

XXXXXXXX

I know nothing about the occurrence.

Sd/-Sri Sitaram Sahani

*R.O. & A.C.
Sd/- Illegible
16/7/2013
Session Judge
Golaghat*

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W.8 in Sessions case no. 81/2011

Aged about 60 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T. Lohar, Session Judge, Golaghat

this 16/7/2013 day of

My name is : Smti Bhani Sahani I am

My father's name is : W/O Sri Sita Ram Sahani

by caste : My house is at Mauza:

Police Station : Komargaon District :

I reside at present in Mouza : Bongaon Police Station :

District : Golaghat Where I am : House wife

On S/A,

Accused Bijoy Nayak alias Sahni is my son. Deceased Jayanti Sahni was Bijoy's wife. She died about Three years ago. One day the incident took place in the morning hours. Accused Bijoy and his wife lived together. It had been about six months since their marriage. Although we had separate living arrangements we used to have our meal together. My husband lives separately.

At the time of the incident, I was cooking in the kitchen. Daughter-in-law went out of the house in order to take a bath. Hearing a hue and cry raised by my daughter-in-law I came outside. Shouting as 'mother, mother,' she went out of her dwelling house and went towards her maternal home. Her maternal home is in rear of our house. Having caught fire, daughter-in-law jumped towards the pond. We called 108 - vehicle. Daughter-in-law's mother, my younger daughter and I took daughter-in-law out of the water of the pond. Her wearings got burnt. Hair and face were safe. After about 13 days, daughter-in-law died in Golaghat Hospital.

Police took away a jerry cane of Kerosene and some burnt clothes from daughter-in-law's house.

20

I could not know how daughter-in-law got burnt.

XXXXXXXX

I cannot say how the incident had taken place.

RTI of Smt. Bhoni Sahani

*RO & AC
Sd/ Illegible
16-07-2013
Sessions Judge
Golaghat*

(21)

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W.9 in Sessions case no. 81/2011

Aged about 18 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878 before me T. Lohar, Session Judge, Golaghat
this 16/7/2013 day of

My name is : Miss Tulsi Sahani I am

My father's name is : Sri Sitaram Sahani

by caste : My house is at Mauza:

Police Station : District :

I reside at present in Mouza : *Bonggaon* Police Station : *Komargaon*

District : Golaghat Where I am : Dependent

On S/A,

Accused Bijoy Sahani alias Nayak is my elder brother. Deceased Jayanti Nayak was my sister-in-law. The incident took place around 8/8-30 a.m. about two years back. I was cooking rice in the kitchen. At that time, I heard sister-in-law raising a hue and cry in the rear of the house. She shouted as 'ma' (mother). Going to the outside, I saw sister-in-law lying in the pond. As her mother was trying to take her out of the pond, I helped her. The wearings of sister-in-law got burnt. Her hair and face were safe. I could not know how she caught fire.

Except for this, I know nothing more about the incident.

XXXXXXX

Declined

Sd/- Miss Tulsi Sahani

R.O. & A.C.
Sd/- Illegible
16-07-2016

(22)

(22)

Sessions Case No. 81/2011.

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W. 10.

Aged about 62 years taken in oath on solemn affirmation under provision of the Indian Oaths Act X of 1978, before Shri R. Phukan, Sessions Judge, Golaghat.

This the 17th day of February, 2016.

My name is Md. Abdus Salam.

Son of Late Amud Khan.

I am a resident of Nagaon Chakitoop. P. S. : Nagaon (Sadar).

District : Nagaon.

Where I am retired S.I. Of police.

ON OATH :

On 09.03.2011, I was working at Khumtai Out Post as I/C. On that day, the O/C of Kamargaon Police Station received one FIR from Sri Deba Nayak, after registering Kamargan P.S. Case No. 16/2011, u/s 342/325/307 IPC and endorsed me to investigate the same. Ext-4 is the ejahar and Ext-4(1) and Ext-4(2) are the signatures of the then O/C Sri Dipak Sarmah of Kamargaon Police Station.

During investigation, I came to know that the victim of this case Smti. Jayanti Nayak has already been sent to Bokakhat Hospital for treatment. Also I came to know that the O/C, Kamargaon Police Station has already arrested accused Bijay Nayak and kept him in the Kamargaon Police Station. Then I went to Kamargaon Police Station and found the accused there and then I recorded his statement. Then I got him examined by Doctor and kept him confined in the Police Station. Due to want of time, I could not visit the place of occurrence on that day.

Md. Abdus Salam

(Signature)

On 10.03.2011, I have visited the place of occurrence taking the accused with me. There I prepared one sketch map of the place of occurrence. Ext-5 is the sketch map of the place of occurrence and Ext-5(1) is my signature. In the place of occurrence, I have found one 5 liters plastic gallon of parrot coloured, one piece of burnt sari, one match with one burnt match stick and 13 Nos. of live match sticks and seized the same preparing seizure list in presence of witnesses. Ext-3 is the seizure list and Ext-3(1) is my signature. M. Ext-1 is the plastic gallon of 5 liters capacity, coloured parrot and M. Ext-2 is the burnt piece of sari and M. Ext-3 is the burnt and live match sticks with the match. The place of occurrence is the bed room of the accused Bijoy Nayak situated at Bongaon. Thereafter, I have examined the witnesses whom I have found at the place of occurrence.

Thereafter, I have forwarded the accused to the Court. Thereafter, I came to know that the victim has referred to K.K. Civil Hospital, Golaghat. Then I have visited K.K. Civil Hospital, Golaghat and found the victim there and recorded her statement. Having her seen deterioration of her condition, I have requested the Superintendent of K.K. Civil Hospital, Golaghat for recording dying declaration of the victim. The Superintendent of K.K. Civil Hospital, Golaghat then endorsed Dr. Partha Gohain to record dying declaration of the victim. Thereafter, Dr. Partha Gohain recorded dying declaration of the victim in presence of relating Smti. Bobita Nayak and GNM Mrs. Archana Baruah. Myself and Smti. Bobita Nayak identified the victim before Dr. Partha Gohain.

Thereafter, on 21.03.2011, the O/C, Kamargaon Police Station informed me that the victim Jayanti Nayak died at Civil Hospital, Golaghat. Then I have sent one requisition to the Executive Magistrate, Khumtai for holding inquest on the dead body of Jayanti Nayak. Thereafter, along with Executive Magistrate, Khumtai Sri P.K. Deori, I proceeded to Civil Hospital, Golaghat and there, the Executive Magistrate hold inquest on the dead body of Jayanti Nayak in presence of witnesses. Ext-6 is the inquest report. Thereafter, I have submitted requisition for holding post mortem report on the dead body of Jayanti Nayak to the Superintendent, Civil Hospital, Golaghat and thereafter, I have proceeded to the Court of Chief Judicial Magistrate, Golaghat and there, I have submitted one prayer for adding section 302 IPC and after considering my prayer, the Chief Judicial Magistrate, Golaghat has added section 302 IPC along with section 342/325/307 IPC. Thereafter, on 13.04.2011, I have collected the post mortem report of the victim woman. Also I have collected the dying declaration of the victim woman.

*Witnesses
Bijoyam*

Q.

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Then on completion of investigation and after obtaining supervision note from C.I., Bokakhat and having found made out a prima facie case u/s 342/302 IPC, I laid charge sheet against the accused Bijoy Nayak to stand trial in the Court under the said sections of law. Ext-7 is the charge sheet and Ext-7(1) is my signature.

X X X X X X X

Pravus Gohain

I have seized the articles from the place of occurrence, but the place from where I have seized the articles finds no mentioned in the seizure list, Ext-3. I have not sent the Material Exhibits for FSL examination to ascertain the finger prints of the accused thereon. I have not found any evidence of catching fire by other articles at the place of occurrence. The pond in which the victim jumped after catching fire is situated at a distance of 100 meters from the place of occurrence. Dr. Partha Gohain who has recorded the dying declaration of the victim woman has not obtained our signatures as witnesses in the dying declaration made by the victim woman. It is not a fact that the victim itself set her ablaze and the accused is not entangled with the same. It is not a fact that I have submitted the charge sheet mechanically.

During investigation, I have recorded the statement of witness of Sri Deba Nayak. He has not stated before me that the victim woman told her mother that the accused poured kerosene on her person and thereafter, set fire on her. He also not stated before me that the victim woman told him that the accused poured kerosene on her person and thereafter, set fire on her.

R.O. & A.C.

[Signature]
Sessions Judge
Golaghat. 17.02.16

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Sessions Case No. 81/2011.

Assam Schedule VIII, Form No.99.

High Court Criminal Form No.(M)85.

FORM FOR RECORDING EXAMINATION OF ACCUSED.

EXAMINATION OF THE ACCUSED UNDER SECTION 313 Cr.P.C.

Examination of accused taken before Shri R. Phukan, Sessions Judge, Golaghat, on the 2nd day of March, 2016, in the language interpreted by his lawyer.

My name is Sri Bijoy Nayak alias Sahani, Aged about 36 years

My father,s name is Sri Sitaram Sahani,

I am by caste

and occupation - Labourer

My home is at Mouza village Bongaon

Police station Kamar Gaon,

District Golaghat. I reside at village Bongaon, Police station Kamar Gaon,

শ্রী বিজয় নাথ সাহানী

Question No.1 :- P.W.1 Dr. Partha Gohain testified that on 10.03.2011 he examined Jayanti Nayak, who was lying in death bed after sustaining severe burn injuries, at K.K. Civil Hospital, Golaghat, in prsence of witnesses Smti. Archana Baruah and Smti. Bobita Nayak and Ext.1 is her statements and he took her thumb impression over the same.

P.W.5 Archana Baruah and P.W.6 Bobita Nayak also testified the same. *Ext.1. reveals that you focused kerosen on his person and set fire there after.*

Have you got anything to say in this regard ?

Answer :- *False statement*

Question No.2 :- P.W.2 Deba Nayak testified that about one and a half year back, in the morning at about 8-00 a.m., while he was taking tea in his own house, then his daughter Jayanti Nayak came out of the house of her husband-accused Bijoy Nayak, who resides in the vicinity of his house, catching fire on her person and raising hue and cry.

Contd...P/2.

Have you got anything to say in this regard ?

Answer :- *False statement*

Question No.3 :- P.W.2 Deba Nayak also testified that his daughter told him that you set her ablaze by pouring kerosene on her person and thereafter she jumped into a pond to put out the fire and then his wife rescued her from the pond and when his wife asked his daughter then her daughter told that the accused had set her ablaze from back side inside the house by pouring kerosene and then they took her to K.K. Civil Hospital, Golaghat, where she died after ten days of the occurrence.

Have you got anything to say in this regard ?

Answer : *False statement*

Question No.4 :- P.W.3 Dr. Pallabi Gogoi testified that on 21.03.2011 she conducted autopsy on the dead body of Late Jayanti Nayak and on examination she found :-

A deadbody of an adult female, medium height, swarthy complexion with long black hair. Eyes closed and rigormortis present.

The skin of the whole body from below the neck is burnt with multiple black blister. There is deep burn in some parts of the body. Percentage of burn is about 80%.

Cranium and spinal canal – congested.

Thorax-Wall – superficial burn with areas of deep burn. Ribs and cartilage are normal. Heart- Right chamber contains blood and left chamber empty. Others- congested. Abdomen walls- multiple blister due to burn. Stomach- congested and contains undigested food material. Small intestine- congested and contains semi-digested food. Large intestine= congested and contains faecal matter. Others- congested. Liver- congested, Spleen- congested, kidneys – congested, Bladder- congested and contains small amount of urine. Organs of generation- healthy and uterus is normal in size.

Contd...P/3.

श्री विवेक चन्द्र मुखर्जी

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(Page.....3)

The dead body has got black skin blister and more than 80% burn all over the body except the head, neck and sole.

The burn is antemortem in nature. Rigormortis present, so the time death is within 36 hours.

Upon the above findings, he opined that the death of the deceased is due to shock as a result of the burn injuries sustained by her. Ext.2 is the P.M. report.

Have you got anything to say in this regard ?

Answer : *No comment.*

Question No.5 :- P.W.4 Thuluk Nayak testified that in his vehicle he carried Jayanti Nayak from Bokakhat to Golaghat Civil Hospital and he had seen her in injured condition, but he is not aware as to how she sustained injuries. Police took his signature over a piece of paper, the seizure list(Ext.3), but he is not aware as to what articles were seized by Police.

Have you got anything to say in this regard ?

Answer : *No comment.*

Question No.6 :- P.W.6 Smti. Bobita Nayak also testified that about one and a half year back, about 8-00 a.m. in the morning, while she was taking tea in her house, then she saw her daughter coming out of her house having caught by fire on her person and shouting her and her husband to save her and thereafter, she jumped into a pond in front of their house.

Have you got anything to say in this regard ?

Answer : *No comment.*

Question No.7 :- P.W.6 also testified that she then rescued her from the pond and then she had seen injuries on her whole body except the face and neck and when she

Contd...P/4.

9/12/19
P.W.4
Thuluk Nayak
Bokakhat
Golaghat
Civil Hospital

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(Page.....4)

asked Jayanti told her that you set fire on her person. Then she was taken to Bokakhat hospital and therefrom to Golaghat, but thereafter she succumbed to her injuries.

Have you got anything to say in this regard ?

Answer : *False statement.*

Question No.8 :- P.W.7 Sitaram Sahani testified that about one year back one day at about 8-30 a.m. in the morning, he heard hullah towards the pond and there his daughter-in-law fell down and she sustained burn injury on her whole body except the fact and she succumbed to the injuries in the hospital.

Have you got anything to say in this regard ?

Answer : *No comment.*

Question No.9 :- P.W.8 Bhani Sahani testified that about three years back, in one morning, while she was cooking food in the kitchen, her daughter-in-law Jayanti Nayak went to take her bath and had gone out and then she heard hue and cry of her daughter-in-law inside the house and she also saw catching fire on her person and, thereafter, she jumped into the pond, situated in front of her mother's house. Then she along with the mother of deceased Jayanti Nayak and her little daughter rescued her from the pond and after 13 days, Jayanti Nayak succumbed to her injuries at Golaghat Civil Hospital.

Have you got anything to say in this regard ?

Answer :- *No comment.*

Question No.10 :- P.W.8 also testified that Police seized one kerosene gallon and burnt clothes from the house of her daughter-in-law. P.W.9 has also testified the same facts.

Have you got anything to say in this regard ?

Contd...P/5.

APR 19 5 49 PM '19

Answer :- No comment.

Question No.11 :- P.W.10 S.I. Abdus Salam testified that on 10.03.2011, he visited the place of occurrence and prepared sketch map (Ext.5) and from the place of occurrence he seized one 5 Ltr. Plastic gallon, one piece of burnt Sari, one match with one burnt stick and 13 Nos. of live match sticks vide Ext.3, seizure list. Material Ext.1 is the plastic gallon and Material Ext.2 is the burnt Sari and Material Ext.3 is the burnt and live match stick with the match.

Have you got anything to say in this regard ?

Answer :- I bought keos on the previous day from co-offend

Question No.12 :- P.W.10 further testified that while he visited K.K. Civil Hospital, Golaghat, he found the condition of the victim deteriorated and then he requested the Supdt. of K.K. Civil Hospital, Golaghat, for recording dying declaration of the deceased. Then the Supdt. of K.K. Civil Hospital, Golaghat, endorsed Dr. Partha Gohain to record dying declaration of the victim and accordingly, Dr. Partha Gohain recorded dying declaration of the victim in presence of Smti. Bobita Nayak and Smti. Archana Baruah and Bobita Nayak identified the victim before Dr. Partha Gohain.

Have you got anything to say in this regard ?

Answer :- No comment.

Question No.13 :- Have you got anything to say in connection with the alleged occurrence ?

Answer :- I have not committed the offence. At that time I was watching T.V.

Question No.14 :- Will you adduce any evidence in your defence ?

Sd/ Partha Gohain

(30)

(35)

(Page.....6)

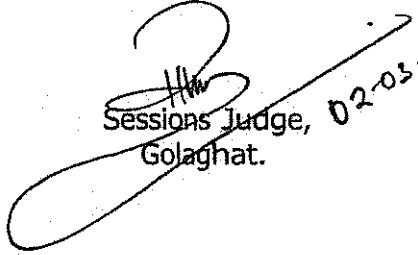
Answer :-

I will adduce evidence in my defence.

শ্রী বিহার্য নাথক গাঙ্গুলী

Signature of the accused.

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


Sessions Judge,
Golaghat.

02-05-16

(31)

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**HEARING OF THE ACCUSED ON THE POINT OF
SENTENCE UNDER SECTION 235(2) Cr.P.C.**

Name of the accused :- Sri Bijoy Nayak.

Father's name :- Sri Sitaram Sahani.

Age :- 36 years.


Resident of Bongaon. P.S. - Kamargaon.

District - Golaghat.

Question : You have been found guilty and convicted u/s 302 IPC. The offence u/s 302 IPC carries punishment with death, or imprisonment for life, and shall also be liable to fine.

Have you got anything to say as to why the aforesaid punishment should not be inflicted upon you ?

Answer : I have the burden of looking after my teenage child and my aged old parents and except me, there is none to look after them. I have to look after the education of my child also. In my absence, they will suffer a lot. Therefore, I may be dealt with leniently.


Sessions Judge
Golaghat. 12-05-16

By Bijoy Nayak
12/5/16

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Exhibit No.2
S/C No. 81/11
Sd/- Illegible
Session Judge
Golaghat
1/10/12

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

POST MORTEM REPORT

PMR No. :

Station : 21.3.11 on K.K. Civil Hospital, GLT

Day of : 21st March, 2011

Ref : Kamargaon P.S. Case No. 16/11 Dt 9.3.11 u/s 342/325/309

IPC.

Name, Sex, age and caste :

LT. Jayanti Nayak, 15 years, female, Hindu

D/O Sri Deba Nayak

Vill.- Bongaon

P.S. Kamargaon

Dist.- Golaghat

Whence brought Village and Thana :

K.K. Civil Hospital, Golaghat

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

(1) UBC /52 Rana Bora

(2) Sri Deba Nayak

(3) Sri Anand Nayak

(4) Sri Baba Nayak

DATE AND HOUR OF

Despatch : 21-3-11

Arrival at dead house : 21-3-11

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Examination : 21-3-11 at 1.00 p.m.

Information furnished by Police : As per inquest report

By whom identified before Medical Officer :

UBC/52 Rana Bora

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

I - EXTRANAL APPERANCE

1. Condition of subject stout emaciated, decomposed etc :

A dead body of an adult female, medium height, swarthy complexion with long black hair. Eyes closed and Rigor Mortis present.

2. Wounds - position, and character :

The skin of the whole body from below the neck is burnt with multiple black blister. There is deep burn in some parts of the body. Percentage of burn is 80%.

3. Bruise Position size and nature : Nil

4. Mark of ligature on neck dissection, etc. : Nil

II - CRANIUM AND SPINAL CANAL

1. Scalp, Skull, Vertebrae :

Healthy

2. Membrane :

Congested

3. Brain and and spinal cord :

Congested.

III – THORAX

1. Walis ribs and cartilages : Superficial burn with areas of deep burn. Ribs and Cartilages are normal
2. Pleurae : Congested
3. Larynx and trachea : Congested
4. Right lung : Congested
5. Left lung : Congested
6. Pericardium : Congested
7. Heart : Right Chamber contains blood and left chamber Empty
8. Vessels : Healthy

IV - ABDOMEN

1. Walls : Multiple blisters due to burn
2. Peritonoum : Congested
3. Mouth, pharynx, oesophagus : Congested
4. Stomach and its contents : Congested and contains undigested food material
5. Small intestine and its contents : Congested and contains semi digested food material
6. Large intestine and its contents : Congested and contains ^{faecal} matter
7. Liver : Congested
8. Spleen : Congested
9. Kidneys : Congested
10. Bladder : Congested and contains small amount of urine
11. Organs of generation external and internal : Healthy and uterus is normal in size.

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V - MUSCLES, BONES AND JOINTS

1. Injury : As described in part I.
2. Disease or deformity : NIL
3. Fracture : NIL
4. Dislocation : NIL

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

The dead body has got black skin blisters and more than 80% burn all over the body except the head, neck and sole.

The burn is ante mortem in nature.

Rigor Mortis present, so time since death is within 36 hours.

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

In my opinion, the cause of death of the deceased is due to shock as a result of the burn injuries sustained by the deceased.

Ext.2(1)
Sd/- Illegible
Session Judge
Golaghat
1/10/12

Sd/- Illegible
Dr. Pallabi Gogoi
Medical & Health Officer - I
K.K. Civil Hospital, Golaghat

The 21st day of March 2011

ASSISTANT SURGEON OF
SUB-ASSISTANT SURGEON

(56)

REMARKS BY CIVIL SURGEON

Ext. 2(2)
Sd/- Illegible
Session Judge, Golaghat
1.10.12

Sd/- Illegible
Superintendent
K.K. Civil Hospital, Golaghat

Ext. 2(3)
Sd/- Illegible
Session Judge, Golaghat
1/10/12

Sd/- Illegible
1/10/12
Joint Director of Health Services
Golaghat

The day of

Signed _____
Civil Surgeon of _____

Mo. MO No. 362-63 Dt. 02/04/11

Copy to: (i) The P.I. Court, G.L.T

(ii) O/C Kamaragaon P.S.

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Ext. No. 3
SC no. 81/11
Sd/- Illegible
Session Judge, Golaghat
1.10.12

SEIZURE LIST

*MR No. 03/2011
of Khumtai O.P.*

Ref: Kamargaon P.S. Case No. - 16/2011 u/s 342/325/307 IPC

I S.I. A. Salam. i/c Khumtai O.P. under Kamargaon P.S. do hereby seize the following articles on seeing produced by accd. Shri Bijoy Sahani S/O Shri Sitaram Sahani of Bongaon P.S. - Kamargaon Dist. - Golaghat in presence of the following signed witnesses on 10-3-2011 at Bongaigaon in the place of occurrence.

Description of seized article:

1. A green jerrycan of 'Engine Brand' with 5-Litre capacity *M. Ext.1*
2. Two pieces of a burnt sari *M. Ext.2*
3. One match box, a burnt match stick and 13 unburnt sticks *M. Ext.3*

Signature of witnesses:

(1) Sd/- Shri Thuluk Nayak
S/O Lt. Jaydhan Nayak
R/O Bongaon
P.S. Kamargaon

Ext.3(1)
Sd/- Illegible
Session Judge
Golaghat
1.10.12

(2) Miss Tulsi Sahani
D/O Shri Sitaram Sahani
R/O ---do-----

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Bhani
(3) R.T.I. Sahani
W/O Sitaram Sahani
of Bongaon

(4) Sd/- Shri Sitaram Sahani
S/O Lt. Jagaru Sahani
Bongaon

Ext.3(2)
Sd/- Illegible
Session Judge
Golaghat
16/7/13

Ext.3 (3)
Sd/- Illegible
Sessions Judge
Golaghat
17/2/16

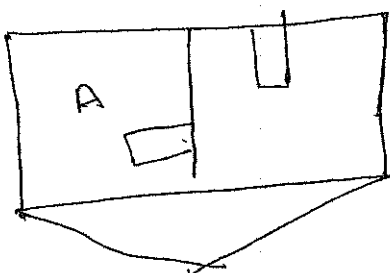
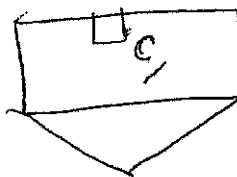
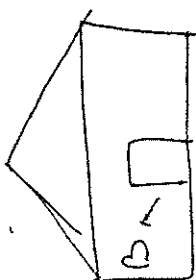
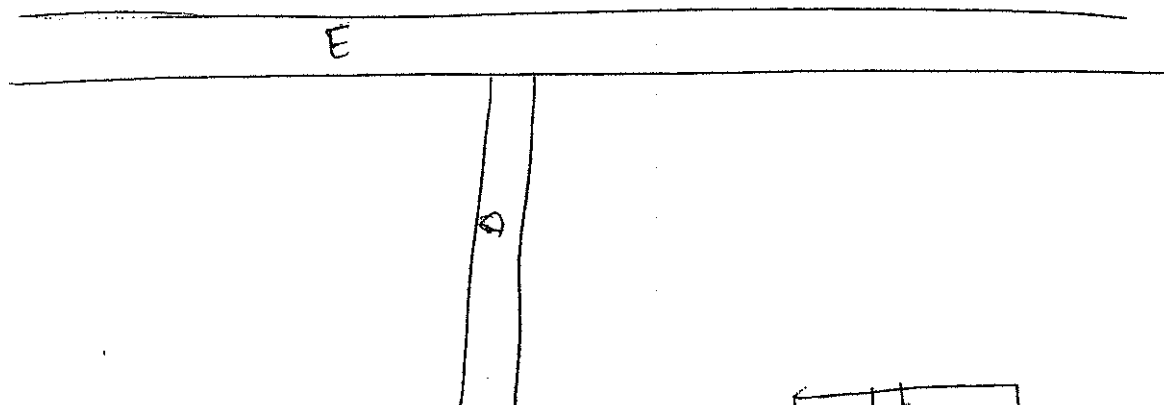
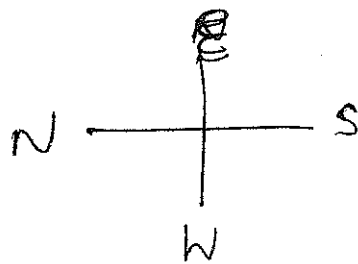
Sd/- Illegible
10/3/11

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Exhibit No.5
Sd/- Illegible
Sessions Judge
Golaghat
17/2/16

Sketch map of PO

Ref: Kamargaon P.S. Case No.- 16/2011 u/s 342/325/307 I.P.C.



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A = Index P.O.

B = House of Bikram Sahani brother of Shri Bijoy Sahani

C = House of Shri Sitaram Sahani

Father of accused Bijoy Sahani

D = Road towards accused Bijoy Sahani from 37 high way

E = 37 High way

Ext.5 (1)
Sd/- Illegible
Sessions Judge
Golaghat
17/2/16

Drawn by me

Sd/- Illegible
10/3/11

Ext. 6
Sd/- Illegible
Session Judge,
Golaghat
17/2/16

(61)

INQUEST REPORT FORM

- 1) STATE- Assam DIST- Golaghat P.S.- Kamargaon
FIR/A.D.NO./U.D.NO- KRG P.S. Case No. 16/11
Year
- 2) ACT SECTION : u/s 342/325/307 IPC
- 3) (a) Place & time where - Place : K.K. Civil Hospital, Golaghat
Dead body found/traced - Date : 21-03-2011 Time :
- (b) Was the body cold/warm when found - Normal burned
- 4) Person who showed dead body/ - Name - Shri Deba Nayak
traced the dead body. Age - 48 Years
Address - Vill.- Bongaon
P.S. Kamargaon
Dist. Golaghat
- 5) Person who identified the body - Name - Shri Deba Nayak
Age - 48 Years Sex- Male
Address - Vill.- Bongaon
P.S. - Kamargaon
Dist. Golaghat
- 6) Deadbody - Sex: Female
Approximate Age 15 Years
Approximate date and time of death
on 21-03-11 @7-30 am
- 7) Position of dead body - Normal by burned of whole body and
covered by yellow/ Saree

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- 8) Name & Address (if known) - Jayanti Nayak - 15 yrs
D/O - Shri Deba Nayak
of Bongaon
P.S. - Kamargaon
Dist.- Golaghat (Assam)
- 9) Description of dead body
Jayanti Nayak - 15 years
Built- Medium,
Height- 5' 4'
Complexion- Swarthy
Identification Mark-
Deformities-
Teeth- Full Hair- Black
Eyes- Closed
Dress-
Burn Mark- Chest to downside of the
dead body
Luccoderma- Nil
Mole- Scar- Nil
Tattoo- Nil
Other feature- Nil
- 10) DESCRIPTION OF INJURIES FOUND ON DEAD BODY (IF ANY)
- (a) Head- Nil -
- (b) Face- Nil
- (c) In case of hanging cases the ligature mark to be noted whether circular
(Homicidal) or oblique (Suicidal)-
- (d) Chest- Nil
- (e) Stomach- Nil

- (f) Limbs-
 - (a) Right hand - Nil
 - (b) Left hand - Nil
 - (c) Right leg - Nil
 - (d) Left leg - Nil
 - (g) Private parts - Nil
 - (h) Back - Nil
 - (i) Other information like wound's, Bruises and Marks of injuries / Bleeding (if any) -
 - (j) Whether the limbs/body is still or loose -

11) (a) Whether request made to Medical Officer to preserve
Finger Prints of the dead body (if unknown) No.

(b) Photograph/V.D.O. of the body both from near or long distance should be
taken. I/O to proceed to the P.O. with all necessary tools - No

(c) Whether dead body sent Post-Mortem Yes/No - Yes 16/11 dt 9.3.2011

(d) Dead body sent for Post Mortem to which Hospital / Place-
K.K. Civil Hospital , Golaghat

(e) Dead body sent for Jayanti Nayak- 15 yrs.

Post-Mortem through

Whom name - UBC/No. 52 Rana Bora

B. NO. Posting :

(f) Viscera -

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Ext.7
Sd/- Illegible
Sessions Judge
Golaghat
17/2/16

Assam Schedule XL-A (Part1), Form No. 148

CHARGE SHEET

District – Golaghat

Charge sheet No. – 10/11

Date – 23-4-2011

Police Station – Kamargaon

In First Information No. – 16/2011

Date – 9-3-2011

(1) Name, address & occupation of COMPLAINANT

Shri Dev Nayak
S/O Lt. Samaru Nayak
R/O Bongaon
P.S. Kamargaon
Dist: Golaghat

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

Names and addresses of accused persons sent up for trial

(3) In custody

(4) On bail or recognizance

Shri Bijoy Nayak alias Sahani
S/O Shri Sitaram Sahani
R/O Bongaon
P.S. Kamargaon
Dist: Golaghat

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

M.R. No. 03/2011 of Khumtai O.P.

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

1. Shri Dev Nayak
S/O Lt. Samaru Nayak
R/O Bongaon, P.S. Kamargaon
Dist: Golaghat

2. Shri Thuluk Nayak
S/O Shri Jaydhan Nayak
R/O ---Do-----
3. Ms. Tulsi Sahani
S/O Sitaram Sahani
R/O ----Do-----
4. Smt. Bhoni Sahani
W/O Shri Sitaram Sahani
R/O ---Do-----
5. Shri Sitaram Sahani
S/O Lt. Jagaru Sahani
R/O --Do---
6. Smt. Babita Nayak
W/O Shri Dev Nayak
R/O---Do----
7. Dr. Partha Gohain
K.K. Civil Hospital, Golaghat
8. Mrs. Archana Baruah
GNM, K.K. Civil Hospital
Golaghat
9. Dr. Pallavi Gogoi
K.K. Civil Hospital, Golaghat
10. SI Abdus Salam
Khumtai Police outpost
P.S. Kamargaon

(7) Charge or information, Nature of offence and circumstances connected with it is concise detail, and under what section of the penal code charged.

The charge, in brief, is that on 09-03-2011 by lodging an ejahar Shri Dev Nayak, the son of Lt. Samaru Nayak and a resident of Bongaon under Kamargaon Police Station

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informed this police station that around 8 a.m. Shri Bijoy Nayak a resident of Bongaon under Kamargaon Police Station had brutally tortured his wife Smt. Jayanti Nayak, who was the daughter of the complainant by closing the door from inside and then set fire to her by pouring kerosene on her person; that although she had been admitted into the hospital she was in a critical state; that since no written information had been given to the P.S. the same was lodged for necessary action. To that effect, the said case was registered u/s 342/325/307 of I.P.C. and investigation was done into the matter.

During investigation, the P.O. was visited and the witnesses were interrogated. Since the victim of the case Smt. Jayanti Nayak was undergoing treatment at K.K. Civil Hospital, her dying declaration was recorded through requisition and a copy of the same was collected on 21-03-2011 injured Smt. Jayanti Nayak died while undergoing treatment. Then the inquest was held and P.M. Examination report was collected after getting the P.M. Examination done on the body. When Smt. Jayanti Nayak died while undergoing treatment, a written prayer was made with the court of Chief Judicial Magistrate, Golaghat to add section 302 I.P.C. to the case. Then, the court ordered to add section 302 of IPC with the Sections 342/325/307 of IPC of the case. Accordingly, Section 302 of IPC was added to the case.

During investigation, upon finding the case well established against arrested accused Shri Bijoy Nayak alias Sahani for committing an offence punishable u/s 342/302 of IPC, this charge sheet has been submitted to the hon'ble court for holding the trial against him.

A seizure list, one dying declaration and one P.M. report are furnished herewith the charge sheet.

The witnesses mentioned in column 6 will substantiate the case. Prayer is made to serve summon the witnesses.

Ext. 7(1)
Sd/- Illegible
Sessions Judge
Golaghat
17/2/16

Sd/- Abdus Salam, SI
Khumtai Police out post
P.S. Kamargaon

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Forwarded to the Hon'ble CJM, Golaghat through the P.I. Golaghat court along with one no. original seizure list, one no. original dying declaration statement of victim, one no. P.M. examination report.

*Sd/- Illegible
Officer-in-Charge
Kamagaon Police Station
Dist. Golaghat, Assam
Date 24/4/11*

