

# **THE GAUHATI HIGH COURT AT GUWAHATI**

*(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)*

**Main Written Examination for direct recruitment to Grade-I of Assam Judicial Service, 2023**

**Date : 09-12-2023 (Saturday)**

**Time : 09:00 am to 12 noon**

**Duration : 3 hours**

**Total Marks : 100**

## **PAPER – I**

### **1. Write an essay [Any one]**

**[1X 20 = 20 marks]**

- [a] Alternative Dispute Resolution [ADR] : Discuss ADR as an alternative to traditional litigation and the various forms of ADR, including its advantages and disadvantages.
- [b] Criminal cases pending against Members of Parliament and Members of Legislative Assemblies being lawmakers, have a direct bearing on political democracy. Discuss in the context of the relevant legal framework and the measures taken by the Supreme Court of India.
- [c] Cross Border Organized Crimes [NDPS, Human Trafficking & Terror Funding etc.] – Impact Assessment and Legal Solution.

### **2. Read the following passages and write a précis. Also give a title to the précis.**

**[15 marks]**

We find it difficult to accept the contention that our Constitution-makers after making immense sacrifices for achieving certain ideals made provision in the Constitution itself for the destruction of those ideals. There is no doubt as men of experience and sound political knowledge, they must have known that social, economic and political changes are bound to come with the passage of time and the Constitution must be capable of being so adjusted as to be able to respond to those new demands. Our Constitution is not a mere political document. It is essentially a social document. It is based on a social philosophy and every social philosophy like every religion has two main features, namely, basic and circumstantial. The former remains constant but the latter is subject to change. The core of a religion always remains constant but the practices associated with it may change. Likewise, a Constitution like ours contains certain features which are so essential that they cannot be changed or destroyed. In any event it cannot be destroyed from within. In other words, one cannot legally use the Constitution to destroy itself. Under Article 368 the amended Constitution must remain 'the Constitution' which means the original Constitution. When we speak of the 'abrogation' or 'repeal' of the Constitution, we do not refer to any form but to substance. If one or more of the basic features of the Constitution are taken away to that extent the Constitution is abrogated or repealed. If all the basic features of the Constitution are repealed and some other provisions inconsistent with those features are incorporated, it cannot still remain the Constitution referred to in Article 368. The personality of the Constitution must remain unchanged.

It is also necessary to bear in mind that the power to amend the Constitution is conferred on Parliament, a body constituted under the Constitution. The people as such are not associated with the amendment of the Constitution. From the preamble we get that it is the people of this country who conferred this Constitution on themselves. The statement in the preamble that

the people of this country conferred the Constitution on themselves is not open to challenge before this Court. Its factual correctness cannot be gone into by this Court which again is a creature of the Constitution. The facts set out in the preamble have to be accepted by this Court as correct. Anyone who knows the composition of the Constituent Assembly can hardly dispute the claim of the members of that Assembly that their voice was the voice of the people. They were truly the representatives of the people, even though they had been elected under a narrow franchise. The Constitution framed by them has been accepted and worked by the people for the last 23 years and it is too late in the day now to question, the fact, that the people of this country gave the Constitution to themselves.

**3. Write [within 100 words] on any three of the following landmark cases decided by the Hon'ble Supreme Court of India with regard the challenge made or the issue involved and the decision rendered.**

**[3 X 5 = 15 marks]**

- [a] Indira Nehru Gandhi vs. Raj Narain, decided by a five-Judges Bench on 07.11.1975.
- [b] S.R. Bommai and others vs. Union of India and others, decided a nine-Judges Bench on 11.03.1994.
- [c] Sarla Mudgal [Smt.], President, Kalyani and others vs. Union of India and others, decided by a two-Judges Bench on 10.05.1995.
- [d] Aruna Ramachandra Shanbaug vs. Union of India and others, decided by a two-Judges Bench on 07.03.2011.
- [e] Supriyo @ Supriya Chakraborty and another vs. Union of India, decided by a five-Judges Bench on 17.10.2023.

**4. Write short notes on any three of the following topics**

**[Within 100 words]**

**[3 X 5 = 15 marks]**

- [a] Bullet Trains in India : Pros and Cons.
- [b] One Nation One Election : Advantages and Disadvantages.
- [c] Artificial Intelligence is Not All Evil.
- [d] Sexual Education and its necessity
- [e] Advantages and disadvantages of Court hearings conducted by audio-visual means.

**(Q. 5 -9) Choose the most appropriate one word substitute out of the choices given below :**

**[1 X 5 = 5 marks]**

- 5. A narrow piece of land connecting two large masses of land.
  - [a] Peninsula
  - [b] Isthmus
  - [c] Continent
  - [d] Gulf
- 6. Hater of learning and knowledge.
  - [a] Misologist
  - [b] Bibliophile
  - [c] Misogynist
  - [d] Misanthropist
- 7. A person who is recovering after an illness or medical treatment.
  - [a] Altruist
  - [b] Senile
  - [c] Athlete
  - [d] Convalescent

8. Government by rich.  
[a] Oligarchy [b] Aristocracy  
[c] Pantisocracy [d] Plutocracy
9. The custom or practice of having more than one husband at same time.  
[a] Polygyny [b] Polyphony  
[c] Polyandry [d] Polychromy

**(Q. 10 -21) Choose the correct one out of the four choices given: [1 X 12 = 12 marks]**

10. Where the High Courts in India first set up?  
[a] Delhi, Calcutta and Madras [b] Bombay, Madras and Calcutta  
[c] Bombay, Delhi and Calcutta [d] Madras, Delhi and Bombay
11. The fundamental rights have been taken from 'the fundamental rights' of which of the following Constitutions?  
[a] The United Kingdom [b] Germany  
[c] The United States of America [d] None of the above
12. Who proposed the Preamble before the Drafting Committee of the Constitution?  
[a] Jawahar Lal Nehru [b] Dr. Bhimrao Ramji Ambedkar  
[c] Motilal Chimanlal Setalvad [d] Dr. Rajendra Prasad
13. Sudipti Hajela, Divyakriti Singh, Hriday Cheda and Anush Agarwalla, are associated with which sports?  
[a] Wrestling [b] Squash  
[c] Chess [d] Equestrian
14. Dr. Syedna Mufaddal Saifuddin, Head of the Mumbai-based Dawoodi Bohra sect of Islam, has been awarded the Pakistan's highest civilian award, the Nishan-e-Pakistan in 2023. Which one of the following persons was earlier awarded the Nishan-e-Pakistan?  
[a] J.R.D. Tata [b] Morarji Desai  
[c] Atal Bihari Bajpayee [d] Dr. Zakir Hussain
15. Which city in India holds the title of the cleanest city, maintaining high standards of cleanliness and sanitation, as confirmed by the annual Swachh Survekshan research conducted by the Ministry of Housing and Urban Affairs (MOHUA)?  
[a] Bhopal [b] Ahmedabad  
[c] Indore [d] Udaipur
16. Who unveiled the statue of Dr. B.R. Ambedkar, standing at over 7 feet tall, within the Supreme Court premises on Constitution Day?  
[a] Prime Minister Narendra Modi [b] Chief Justice D Y Chandrachud  
[c] Union Law Minister Arjun Ram Meghwal [d] President Droupadi Murmu

17. Under the Mountbatten Plan of 1947 the people of \_\_\_\_\_ were given the right to decide through a plebiscite whether they wished to join Pakistan or India.
- [a] Assam [b] Punjab  
[c] N.W.F.P and the Sylhet district of Assam [d] Bengal
18. Right to Freedom as under Article 19 is automatically suspended when a proclamation of emergency is made under which of the following grounds?
- [a] Armed rebellion [b] Internal disturbance  
[c] Loss of election [d] War or external aggression
19. Eugenics is the study of-
- [a] altering human beings by changing their genetic components  
[b] people of European origin  
[c] different races of mankind  
[d] genetic of plants
20. Who was the first Indian Commander-in-Chief (C-in-C) of the Indian Army?
- [a] Maharaja Rajendra Singhji [b] Sam Hormusji Framji Jamshedji Manekshaw  
[c] Kodandera Madappa Cariappa [d] None of the above
21. Escape velocity of a rocket fired from the earth towards the moon is a velocity to get rid of the
- [a] Pressure of the atmosphere [b] Moon's gravitational pull  
[c] Earth's gravitational pull [d] Centripetal force due to the earth's rotation

**(Q. 22 -25) Answer the following :-**

**[1X4 = 4 marks]**

22. Who was the first woman judge to be appointed Chief Justice of a High Court?  
23. Who was the first Law Minister of Independent India?  
24. Who was the first Attorney General of India?  
25. Which Chief Justice of India had the longest tenure in office?

**(Q. 26 -29) Chose the most appropriate meaning of the legal maxim from the four choices given.**

**[1X4 = 4 marks]**

26. *Bona Vacantia* means :
- [a] Goods without an owner  
[b] Let the seller beware  
[c] To the extreme contrary  
[d] The law does not note trifling matters
27. What do you mean by the legal maxim, '*Ignorantia Juris non Excusat* ' ?
- [a] Ignorance of fact is not an excuse  
[b] Ignorance of a law is not an excuse  
[c] A personal right of action is not available to the person  
[d] By whose authority



- [a] Only Assumption I is implicit
- [b] Only Assumption II is implicit
- [c] Either Assumption I or Assumption II is implicit
- [d] Both I and II are implicit

33. Statement : "I have not received telephone bills for nine months inspite of several complaints" - A telephone customer's letter to the editor of a daily

Assumptions :

Assumption I : Every customer has a right to get bills regularly from the telephone company.

Assumption II : The customer's complaints point to defect in the services which are expected to be corrected.

- [a] Only Assumption I is implicit
- [b] Only Assumption II is implicit
- [c] Both I and II are implicit
- [d] Neither Assumption I nor Assumption II is implicit

**(Q. 34 -37) Chose the correct answer from the four choices given. [1½ X 4 = 6 marks]**

34. Twenty-four men can complete a work in sixteen days. Thirty-two women can complete the same work in twenty-four days. Sixteen men and sixteen women started working and worked for twelve days. How many more men are to be added to complete the remaining work in 2 days?

- [a] 48
- [b] 24
- [c] 36
- [d] None of these

35. A, B, C subscribes Rs. 50,000 for a business. A subscribes Rs. 4000 more than B and B Rs. 5000 more than C. Out of a total profit of Rs. 35,000, A receives :

- [a] Rs. 8,400
- [b] Rs. 11,900
- [c] Rs. 13,600
- [d] Rs. 14,700

36. A man is 24 years older than his son. In two years, his age will be twice the age of his son. The present age of his son is :

- [a] 14 years
- [b] 18 years
- [c] 20 years
- [d] 22 years

37. Six years ago, the ratio of the ages of Dulal and Mrinal was 6 : 5. Four years hence, the ratio of their ages will be 11 : 10. What is Mrinal's age at present?

- [a] 16 years
- [b] 18 years
- [c] 20 years
- [d] None of these

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## **Main Written Examination for direct recruitment to Grade-I of Assam Judicial Service, 2023**

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**Time : 01:00 pm to 04:00 pm**

**Duration : 3 hours**

**Total Marks : 100**

### **PAPER-II**

#### **TRANSFER OF PROPERTY ACT**

1. Under the provisions of Section 18 of the Transfer of Property Act, 1882, the provisions of some sections shall not apply in case of a transfer of property for the benefit of the public in the advancement of religion, knowledge, commerce, health, safety or any other object beneficial to mankind. These sections are:
  - a) 13, 14, 15 and 16
  - b) 14, 16 and 17
  - c) 14, 16, 17 and 18
  - d) 14, 15 and 20
2. Section 37 of the Transfer of Property Act, 1882 refers to apportionment by estate. In this light, before the Transfer of Property Act, 1882, when a transfer was severed by the sale of shares in the version the tenant was still obliged to pay the rent to all shares jointly:
  - a) Unless an apportionment had been agreed to by all the parties
  - b) Any party is agreed by all the parties
  - c) Any two parties are agreed
  - d) None of the above
3. In case of a transfer hit by the doctrine of *lis pendens*, the question of good faith which is essential to be established before a equitable relief can be granted in favour of a subsequent vendee under sections 41 or 51 of the Transfer of Property Act, 1882 is:
  - a) Relevant
  - b) Partly relevant
  - c) Totally irrelevant
  - d) Partly irrelevant
4. Under the provisions of Section 60A of the Transfer of Property Act, 1882, where a mortgagor is entitled to redemption, he may require the mortgagee, instead of re-transferring the property, to assign the mortgage debt and transfer the mortgaged property to such third person as the mortgagor may direct then the mortgagor:
  - a) Is not bound to assign and transfer accordingly
  - b) Is bound to assign and transfer accordingly
  - c) Is bound if the mortgagor assents
  - d) None of the above
5. Where two properties belong to same owner, one property is mortgaged to secure one debt and both properties are mortgaged to secure another debt and the former debt is paid out of the former property, each property is:
  - a) Liable to contribute rateably to the latter after deducting the amount of former debt from the value of property out of which it has been paid

- b) Not liable to contribute rateably to the latter after deducting amount of former debt
  - c) Debt liable to be deducted amount only
  - d) None of the above
6. The expression "holding over" under the Transfer of Property Act, 1882 is used in the sense of retaining possession. A distinction is made between a tenant continuing in possession after the determination of the lease without the consent of the landlord, and a tenant doing so with the landlord's consent:
- a) The former is called a "tenant by sufferance" and the latter class of tenants is called "tenant holding over a tenant at will"
  - b) The former is called "tenant holding over a tenant at will" and the latter is called "tenant by sufferance"
  - c) Former is called sub-tenant latter is called forfeiture lessor
  - d) None of the above
7. A property may be transferred to or for the benefit of a women (not being a Hindu, Muhammadan or Buddhist), so that:
- a) She shall have power during her marriage to transfer or charge the same or her beneficial interest therein.
  - b) She shall not have power before her marriage to transfer or charge the same or her beneficial interest therein.
  - c) She shall have power after her marriage to transfer or charge the same or her beneficial interest therein.
  - d) She shall not have power during her marriage to transfer or charge the same or her beneficial interest therein.
8. Every assignee by endorsement or other writing, of, in whom the property in the subject insured shall be absolutely vested at the date of assignment, shall have transferred and vested in him all rights of suit as if the contract contained in the policy has been made with himself:
- a) a policy of insurance against fire
  - b) a policy of insurance against livestock
  - c) a policy of insurance against theft
  - d) a policy of insurance against life
9. Where the transferor of a debt warrants the solvency of the debtor, the warranty, in the absence of a contract to the contrary, applies only to his , and is limited, where the transfer is made for consideration, to the amount or value of such consideration:
- a) solvency at the time of the sanctioning of the debt
  - b) solvency at the time of the liquidation
  - c) solvency at the time of the disbursement of debt
  - d) solvency at the time of the transfer
10. When the mortgaged property is a renewable lease-hold, for the renewal of the lease, and may, in the absence of a contract to the contrary, add such money to the principal money, at the rate of interest payable on the principal, and, where no such rate is fixed:
- a) at the rate of eight percent per annum
  - b) at the rate of nine percent per annum
  - c) at the rate of six percent per annum
  - d) at the rate of seven percent per annum

11. Mr. A mortgages the properties named as X and Y to Mr. B and then mortgages Y alone to Mr C. If Mr. B seeks to realise his mortgage out Y, Mr C can compel Mr. B to proceed first against X and realise the debt from it. In case Mr B is unable to realize the whole amount due to him from X, he is entitled to recover the balance from Y. This situation is called as:
  - a) Absolute Assignment
  - b) Marshalling of securities
  - c) Anomalous Mortgage
  - d) Clog on Redemption
12. Where property subject to a mortgage belongs to two or more persons having distinct and separate rights of ownership therein, the different shares in or parts of such property owned by such persons are, in the absence of a contract to the contrary, liable to contribute rateably to the debt secured by the mortgage, and, for the purpose of determining the rate at which each such share or part shall contribute, the value thereof shall be deemed to be its after deduction of the amount of any other mortgage or charge to which it may have been subject on that date:
  - a) Value at the date of the liquidation of the debt
  - b) Value at the date of the loan
  - c) Value at the date of the part payment of the debt
  - d) Value at the date of the mortgage
13. Where a gift consists of the donor's whole property, the donee is personally liable for all the debts due by and liabilities of the donor at the time of the gift to the extent of the property comprised therein:
  - a) This is the provision under section 128 of the Transfer of Property Act, 1882
  - b) This is the provision under section 129 of the Transfer of Property Act, 1882
  - c) This is the provision under section 130 of the Transfer of Property Act, 1882
  - d) This is the provision under section 131 of the Transfer of Property Act, 1882
14. In case of gift of movable property the transfer may be affected either by a registered instrument signed or by delivery and such delivery may be made in the same way as goods sold may be delivered:
  - a) This is the part of provision under the section 123 of the Transfer of Property Act, 1882
  - b) This is the part of provision under the section 122 of the Transfer of Property Act, 1882
  - c) This is the part of provision under the section 120 of the Transfer of Property Act, 1882
  - d) This is the part of provision under the section 119 of the Transfer of Property Act, 1882
15. Under the provisions of section 53 of the Transfer of Property Act, 1882, the relinquishment by one coparcener in favour of another cannot be said to be a transfer unless:
  - a) It is found to be a device to evade debtors
  - b) It is found to be a device to evade creditors
  - c) It is to be a device to evade the government policy
  - d) None of the above
16. If the mortgagee buys a share in the equity of redemption but not a share in the property itself he has paid a higher price and the liability to discharge that share of the mortgage debt is on the mortgagor and not on him then:
  - a) He cannot enforce the whole of the mortgaged debt against the rest of the property
  - b) He can enforce the whole of the mortgaged debt against the rest of the property

- c) He can enforce only a part of mortgage debt
- d) None of the above

CIVIL PROCEDURE CODE

17. Where an application for leave to deliver interrogatories has been moved along with the interrogatories proposed to be delivered that application shall be decided as provided under Order XI, Rule 2 of CPC within:
- a) 15 days from the date of submission of application
  - b) 10 days from the date of submission of application
  - c) 7 days from the date of submission of application
  - d) No time prescribed for the purpose
18. The power under Order XXXVII, Rule 4 of CPC is:
- a) Confined to setting aside the ex-parte decree
  - b) Not confined to setting aside the ex-parte decree, and extends to staying or setting aside the exemption and giving leave to appear and defend the suit
  - c) Not confined to setting aside the ex-parte decree and extends to staying or setting aside the execution but not to giving leave to appear and defend the suit
  - d) Confined to staying or setting aside the exemption
19. The maximum pecuniary jurisdiction of the Court of Civil Judge is of Rupees Three Lakhs. 'A' files a plaint in the Court of Civil Judge for recovery of Rupees Three Lakhs together with interest @18% per annum from the date of institution of the suit till realization:
- a) The Civil Judge is required to immediately return the plaint for filing in the Court of appropriate pecuniary jurisdiction
  - b) The Civil Judge is required to try the suit and return the plaint only if after trial and hearing finds A entitled to any amount in excess of Rupees Three Lakhs
  - c) The Civil Judge is required to decide the suit and if finds 'A' entitled to the decree, pass a decree for recovery of Rupees Three Lakhs and give liberty to 'A' to approach the Court of appropriate jurisdiction by a separate proceeding for recovery of the balance amount to which he has been found entitled.
  - d) The Civil Judge is empowered to try and decide the suit
20. A citizen institutes a suit for injunction restraining several Radio Channels from playing music without permission of and paying royalty etc. to the persons holding Intellectual Property Rights in the said music, alleging such action of the Radio companies to be in violation of laws. It is specified in the plaint itself that the plaintiff himself does not hold any copyright and is not personally interested in the matter but has filed the suit merely for enforcing the laws which the authorities had failed to enforce:
- a) The plaint in such a suit is liable to be rejected at the threshold as barred by law
  - b) The suit is entitled to proceed to trial and to be decided only thereafter
  - c) The suit is entitled to be decreed forthwith since the Radio companies have been unable to show any authorization for the holders of rights in the said music
  - d) The Civil Judge is required to convert the suit into a Public Interest Litigation
21. Does the Civil Court (Trial Court) have the power of restitution on variation of a decree or order in appeal?
- a) Trial Court of first instance that had passed the decree has the power of restitution
  - b) A separate civil suit has to be filed for restitution when section 144(1) of the Code of Civil Procedure, 1908 applies
  - c) Trial Court of first instance that had passed the decree has no power of restitution

- d) There is no power of restitution
22. A sues B for the specific performance of a contract. In the plaint, A seeks the relief of specific performance. He does not seek any relief in the alternative. The Court determines that it cannot order the specific performance of the contract. Can the Court award compensation instead?
- a) Yes, as Specific Relief Act directs that compensation must be awarded
  - b) Compensation can be awarded since Order VII, Rule 7 of the Code of Civil Procedure provides that any other relief can be awarded and the same does not have to be specifically pleaded
  - c) Compensation can be awarded only after the Court allows the plaint to be amended for including a claim of compensation
  - d) No, damages cannot be awarded since the relief of specific performance and of compensation are inconsistent pleadings, and therefore no amendment can be brought to this effect.
23. Whether a suit can be compromised without filing an application under Order XXIII, Rule 3 of the Code of Civil Procedure, 1908, in Court?
- a) No, as a written application under Order XXIII, Rule 3, CPC signed by both parties is mandatory
  - b) Yes, but only when both parties file affidavits before the Court accepting the compromise and settlement
  - c) Yes, but only if whole of the subject-matter of the suit and not part thereof has been adjusted and compromised.
  - d) Yes, if the compromise is in writing and signed by the parties
24. Garnishee proceedings under the Code of Civil Procedure can be instituted to enable:
- a) Attachment of debt, shares and other property not in possession of the judgment debtor
  - b) Attachment of property of which the owner is not known
  - c) Only for attachment of property which cannot be estimated in terms of money
  - d) Only for attachment of a share in joint family property
25. Under which one of the following provisions of the Civil Procedure Code, 1908, consequences of disobedience or breach of injunction has been described?
- a) Order XXXII, Rule 2A
  - b) Order XXXIII, Rule 1A
  - c) Order XXXIX, Rule 2A
  - d) Order XLI, Rule 3A
26. In which of the following case it was held that "the second appeal is permissible only if finding is perverse"?
- a) Dinesh Kumar v. Yusuf Ali, AIR 2010 SC 2679
  - b) State v. M.L. Keshari, AIR 2010 SC 2587
  - c) Bimlesh v. New India Assurance Co. Ltd., AIR 2010 SC 2591
  - d) Dasrath v. State of Madhya Pradesh, AIR 2010 SC 2592
27. Where an order for compensation against the plaintiff is passed under section 95 of CPC, section 95(2) of CPC provides that:
- a) A suit for compensation in respect of such arrest, attachment or injunction lies
  - b) A suit for compensation in respect of such arrest, attachment or injunction is barred

- c) The amount of compensation awarded shall be adjusted in the amount of compensation awarded in a suit for compensation in respect of such arrest, attachment or injunction
  - d) The amount of compensation awarded shall be of no consequences and the court can award compensation independently in a suit for compensation in respect of such arrest, attachment or injunction
28. Rejection of an application for permission to sue as a pauper:
- a) Bars a fresh application on the same cause of action
  - b) Does not bar a fresh application as the same cause of action if moved along with amended schedule of property
  - c) Does not bar a fresh application on the same cause of action with the leave of the court
  - d) Does not bar a fresh application at all
29. During the period of conclusion of hearing and the pronouncing of the judgment, if either party dies, under Order XXII, Rule 6 of CPC:
- a) The proceedings shall abate
  - b) The proceedings shall not abate irrespective of whether the cause of action survives or not
  - c) It is the discretion of the court to order abatement or non-abatement of the suit
  - d) Either (a) or (c)
30. Any documentary evidence, in possession of the party not filed under Order XIII, Rule 1 of the CPC, the party is:
- a) Excluded from filing the same at a subsequent stage of the proceeding
  - b) Not excluded from filing the same at a subsequent stage of proceedings, but can file the same only with the leave of the court
  - c) Not excluded from filing the same at a subsequent stage of proceedings without any leave of the court
  - d) Either (a) or (c)
31. The court to amend a decree is the court that passed it. Where an appeal is preferred from a decree of a court of first instance the Appellate Court may:
- a) Dismiss the appeal under O. 41, r 11(1), without issuing any notice to the respondents
  - b) Confirm, reverse or vary the decree of the court of first instance (O. 41, r 32)
  - c) Either (a) or (b)
  - d) None of these
32. X sues A and B on a promissory note executed by A, B is A's nephew, and he is joined as a defendant on the ground that A and B are member of a joint Hindu family, and that the note was for a debt binding on the family. None of the defendant appears at the hearing and an ex parte decree is passed against both the defendants.
- The decree against A proceeds on the ground that the note was passed by him and against B on the ground that the debt was incurred for a family purpose. B applies for an order to set aside the decree, alleging that the summons was not served upon him and that the debt in respect of which the note was passed by A was not incurred for a family purpose. It is not disputed that the amount was actually advanced to A.

- a) The decree against A must be set aside
  - b) The decree against B must be set aside
  - c) Both (a) and (b)
  - d) None of these
33. A sues B for rent; B pleads abatement of rent on the ground that the area is less than that entered in the lease. The court finds that the area is greater than that shown in the lease:
- a) The finding as to the excess area is not res judicata for it is only ancillary to the direct and substantial issue whether the area is equal to that shown in the lease; or less
  - b) The finding as to the excess area is res judicata for it is ancillary to the direct and substantial issue whether the area is equal to that shown in the lease; or less
  - c) The finding as to the excess area is not res judicata for it is ancillary to the direct and substantial issue whether the area is equal to that shown in the lease; or less
  - d) None of these
34. Second appeal shall not lie from any decree, as provided under section 102 of CPC when the subject matter of the original suit is for recovery of money not exceeding:
- a) Rs.10,000
  - b) Rs.25,000
  - c) Rs.50,000
  - d) Rs.1,00,000.
35. A private transfer or delivery of the property attached under section 64(2) shall not be void if:
- a) made in pursuance of any contract for such transfer or delivery entered into and registered before the attachment
  - b) made in pursuance of any contract for such transfer or delivery entered into and registered after the attachment
  - c) made in pursuance of any contract for such transfer or delivery entered into before the attachment but registered after the attachment
  - d) either (a) or (b) or (c).

#### CRIMINAL PROCEDURE CODE

36. Under section 95 of CrPC certain publications can be forfeited and search warrant can be issued for the same. In this context, the propositions are:

- A. A newspaper cannot be forfeited & search warrant cannot be issued for the same as it would be violative of the fundamental right of speech & expression and involves the fourth estate.
- B. A book can be forfeited & search warrant can be issued for the same.
- C. A document can be forfeited & search warrant can be issued for the same.

Which of the following is correct:

- a) A & B are correct
- b) A & C are correct

- c) B & C are correct
- d) A, B & C all are correct.

37. A has in his possession several seals, knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable u/s. 466 of the Indian Penal Code (45 of 1860). Applying Section 220 Cr.PC.:

- a) A may be separately charged with, and convicted of, the possession of each seal u/s. 470 of Indian Penal Code (45 of 1860)
- b) A may be separately charged with, and convicted of, the possession of each seal u/s. 471 of Indian Penal Code(45 of 1860)
- c) A may be separately charged with, and convicted of, the possession of each seal u/s. 472 of Indian Penal Code (45 of 1860)
- d) A may be separately charged with, and convicted of, the possession of each seal u/s. 473 of Indian Penal Code (45 of 1860)

38. Which of the following deals with the summary procedure for punishment for non-attendance by a witness in obedience to summons?

- a) Section 339 Cr.P.C.
- b) Section 287 Cr.P.C.
- c) Section 388 Cr.P.C.
- d) Section 350 Cr.P.C.

39. The propositions are:

I. Delay in despatch of the FIR is not a circumstance which can throw out the prosecution case in its entirety.

II. Delay in despatch of the FIR is a circumstance which can throw out the prosecution case in its entirety.

III. The extra-ordinary delay in sending the FIR is a circumstance which provides a legitimate basis for suspecting that the FIR was recorded much later than the stated date and hour, affording sufficient time to the prosecution to introduce improvements.

Which of the following is correct in respect of the aforesaid proposition:

- a) I is true, II & III are false
- b) I & III are true, II is false
- c) II & III are true, I is false
- d) III is true, I & II are false.

40. A, with six others, commits the defences of rioting, grievous hurt and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. Applying Section 220 Cr. P.C.:

- a) A may be separately charged with and convicted of, offences u/ss. 147, 322 and 149 of the Indian Penal Code (45 of 1860)
- b) A may be separately charged with and convicted of, offences u/ss. 147, 323 and 150 of the Indian Penal Code (45 of 1860)
- c) A may be separately charged with and convicted of, offences u/ss. 147, 324 and 151 of the Indian Penal Code (45 of 1860)
- d) A may be separately charged with and convicted of, offences u/ss. 147, 325 and 152 of the Indian Penal Code (45 of 1860)

41. Which of the following is true Section 82 Cr. PC.?

- a. mention of lesser period than that required under the section will make the proclamation ineffective and the defect is not under curable under Section 455 Cr. P.C.
- b. mention of lesser period than that required under the section will make the proclamation ineffective and the defect is not under curable under Section 465 Cr. PC.
- c. mention of lesser period than that required under the section will make the proclamation ineffective and the defect is not under curable under Section 475 Cr. P.C.
- d. mention of lesser period than that required under the section will make the proclamation ineffective and the defect is not under curable under Section 485 Cr. PC.

42. Discharge of offender on submission of apology is covered under:

- a. Section 339 Cr.P.C.
- b. Section 348 Cr.P.C.
- c. Section 388 Cr.P.C.
- d. Section 458 Cr.P.C.

43. Joining of two or more independent and respectable inhabitants of the locality in which the place is to be searched is the mandate under:

- a) section 100(1) of CrPC.
- b) section 100(2) of CrPC
- c) section 100(3) of CrPC
- d) section 100(4) of CrPC.

44. Under the provisions of the Code of Criminal Procedure, 1973 normally a person cannot be discharged unless the prosecution evidence has been taken and the Magistrate considers for the

reasons to be recorded that no case is made out against the accused. Which of the following section contains exception to this rule?

- a. 239
- b. 245
- c. 248
- d. 203

45. In which of the following cases will the provisions of section 197 of the Code of Criminal Procedure, 1973 apply?

- a. A Magistrate writing a letter to the District Judge that an advocate is "rowdy", "a big gambler", "a mischievous element".
- b. Block Development Officer lodging a FIR against the Sarpanch and Secretary of a Gram Panchayat under section 409 and 34 of the IPC
- c. A complaint against the personnel at the BSF alleging that illegal gratification of Rs 10,000 was demanded from the complainant and, on his refusal to pay, his shop was ransacked and goods taken away
- d. A Judge charged with using defamatory language to a witness during a trial of a suit

46. Which of the following statements is not true under the provisions of section 167 of the Code of Criminal Procedure, 1973?

- a. The provision for release in mandatory in the sense that the accused shall have to be released on bail
- b. Magistrate has the power to remand accused (terrorists) to army custody for investigation
- c. The order under this section is a judicial order
- d. On the expiry of sixty days from the date of the arrest of the accused, the further detention does not ipso facto become illegal

47. Which of the following statements does not hold true for the confessions made to the Magistrate under the provisions of the Code of Criminal Procedure, 1973?

- a. It is the duty of the Magistrate to exclude the presence of the police officer from the place where the confession is recorded
- b. It is obligatory for the Magistrate to warn the accused, before recording his confession that he is not bound to make it and that if he does so, it may be used as evidence against him
- c. The accused should be sent back to police custody as soon as the confession is recorded
- d. It is necessary for the confession to be signed by the accused

48. Under the provisions of Code of Criminal Procedure, 1973 for taking cognizance of an offence-
- Judicial application of mind by the Magistrate is not needed
  - It is not open to the court to analyse the evidence produced
  - Is an area exclusively within the domain of the Magistrate and the Officer-in-charge of the case
  - The offence must be committed within the territorial jurisdiction of a first class judicial Magistrate
49. Which of the following confessions is admissible under the provisions of the Code of Criminal Procedure, 1973?
- Magistrate while recording a confession did not specifically tell the accused that he was a Magistrate
  - Magistrate recorded the confession of the accused but did not get it signed by the accused
  - Investigating officer took the accused from the jail to the Magistrate, set with him while the confession was being made and brought the accused back to the jail
  - The Magistrate recorded the confession of the accused, but forgot to certify that the confession was taken voluntarily
50. Which of the following statements hold true for the Magistrate's power to send an accused to remand under section 167 of the Code of Criminal Procedure, 1973?
- If the investigation is not completed within 60 days he has to be released on bail
  - The maximum period of remand in police custody cannot exceed 15 days, after that only sending to judicial custody is possible
  - The maximum period of remand in judicial custody cannot exceed 15 days, after that only sending to police custody is possible
  - If the investigation is not completed within maximum period of 90 days the accused have to be released
51. In which of the following cases was it held that the defect resulting from non-compliance of section 275 of the Code of Criminal Procedure, 1973 in the absence of actual or possible failure of justice is curable under section 464 and 465 of the CrPC?
- Nain Singh v. Nain Singh
  - Ram Dyal v. Municipal Corporation of Delhi
  - Abdul Rahaman v. Emperor
  - Ranjeet Singh v. State of UP
52. When can a trial court release an accused on bail under section 389(3) of Cr.PC after conviction?

- a) When accused is on bail and imprisonment is not exceeding 3 years
- b) When accused is on bail and imprisonment is not exceeding 5 years
- c) When accused is on bail and imprisonment is not exceeding 7 years
- d) When offence is exclusively bailable whether accused is on bail or not.

53. For the purposes of computation of period of 90 days or 60 days as the case may be, under Section 167(2):

- a) The day of arrest of the accused has to be excluded
- b) The day on which the accused was remanded is to be excluded
- c) The day of arrest of the accused and the day on which he was remanded, if different, both have to be excluded
- d) The day of arrest of the accused only has to be excluded and the day on which he was remanded, even if different, cannot be excluded

#### INDIAN EVIDENCE ACT

54. B, an accused wants to submit carbon copy of the suicide note as secondary evidence. The original is with the opposite party and he has failed to produce the same. The suicide was not within the knowledge of the accused prior to the receipt of carbon copy. Which of the following statements will hold true for the case?

- a. The evidence cannot be admitted due to applicability of section 30 of the Indian Evidence Act
- b. The evidence cannot be admitted because it fails to satisfy the requirements of section 64 of the Indian Evidence Act, 1872
- c. The evidence cannot be admitted because it fails to satisfy the requirements of section 65 of the Indian Evidence Act, 1872
- d. The evidence can be admitted as it satisfies the requirements of both section 64 and section 65 of the Indian Evidence Act, 1872

55. During the cross examination of the witness as to previous statements made before the police almost all contradictions or omissions were brought on record, which were portions from the statements made before the police that were not deposed before the court. Which of the following statements will apply to the case?

- a. The credibility of the witness has been impeached under section 148 of the Indian Evidence Act, 1872
- b. The credibility of the witness has been impeached under section 145 of the Indian Evidence Act, 1872

- c. The credibility of the witness has not been impeached because the contradictions were not as contemplated under section 145 of the Indian Evidence Act, 1872
- d. The credibility of the witness has not been impeached because the protection under section 154 of the Indian Evidence Act, 1872 will apply

56. A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it. The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. Applying Section 115, Indian Evidence Act:

- a. He must be allowed to prove his want of title
- b. He may be allowed to prove his want of title
- c. He must not be allowed to prove his want of title
- d. none of them

57. In which of the following cases did the court held that a party who produces witnesses in court produces them as witnesses of truth; and simply because portions of their statements are not favourable to the party producing them, they cannot be condemned as biased witnesses?

- a. Gyasuddin Khan v. State of Bihar, AIR 2004 SC 201, para 12 : 2004 CrLJ 395
- b. Lekhraj v. State of Gujarat, AIR 1998 SC 242 : 1998 CrLJ 396.
- c. Gulabchand Ganbhiramal v. Kudilal Govindram, AIR 1959 MP 151 : 1961 CrLJ 55 (FB).
- d. Siddiqua v. Narcotics Control Bureau, 2007 CrLJ 1471, 1480 (para 17) (Del).

58. The question is, whether A poisoned B. Applying Section 6, Indian Evidence Act which of the following facts can be relevant?

- a. marks on the ground produced by a struggle at or near the place where the murder was committed
- b. the state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison
- c. the facts that shortly before the poisoning, B went to a fair with money in possession, and that he showed it or mentioned the fact that he had it, to third persons
- d. none of them

59. When the court has to ascertain the relationship between one person and another, the opinion of any person having special means of knowledge and expressed by conduct is admissible:

- a) under section 51 of Evidence Act
- b) under section 50 of Evidence Act
- c) under section 52 of Evidence Act

d) under section 49 of Evidence Act.

60. Maxim 'omnia proesumuntur rite esse acta' means: (2 marks)

- a) all acts are presumed to be rightly done
- b) all acts are presumed to be not rightly done
- c) all acts are presumed to be wrongly done
- d) all acts are presumed to be not wrongly done.

And the principle of 'omnia proesumuntur rite esse acta' contained in which Section:

- (a) section 78 of Evidence Act
- (b) section 79 of Evidence Act
- (c) section 80 of Evidence Act
- (d) section 81 of Evidence Act.

61. In an appeal from a decision by the trial court, the appellate court finds that certain necessary evidence was not taken by the trial court. The appellate court:

- a) can only remand the matter to the trial court for taking additional evidence
- b) shall decide the matter only on the basis of the evidence before it
- c) shall presume that the missing evidence would have adversely impacted the case of the party who should have brought that evidence
- d) may take additional evidence itself

62. 'B' is found dead having suffered injuries with a sharp weapon. 'A' while in police custody confessed to killing 'B' with the motive of stealing his motorcycle and after following from his office and having concealed the weapon of offence i.e., a knife on his roof top. 'A' gets the knife recovered before the police. In this case, under Section 27 Indian Evidence Act, the following would be admissible:

- a) entire statement including motive of stealing the motorcycle and manner in which the murder was committed, i.e., following victim 'B' from his office, except the confession.
- b) the place from which the knife was produced and the knowledge of 'A' leading to recovery of knife
- c) the fact that 'A' had murdered 'B' with the knife
- d) nothing is admissible as the statement was made to a police officer after 'A' was arrested

63. Which of the following is true concerning retracted confession?

- a. It is the law that once a confession is retracted, the Court should presume that it was tainted and be thrown overboard
- b. The retracted confession of co-accused is very weak and if retracted, the same is admissible against the maker of it
- c. The Court is bound to take the factum of retraction of confession
- d. Retracted confession must be looked upon with lesser concern

64. Under Section 145 of Evidence Act, a witness may be contradicted as to previous statement in writing:

- a) Without proving the same and without showing the same to the witness
- b) Without proving the same but only after showing the same to the witness
- c) After proving the same may be before showing the same to the witness
- d) After proving the same and showing the same to the witness

65. A communication made to the spouse during marriage, under Section 122 of Evidence Act:

- a) Does not remain privileged after the dissolution of marriage by divorce and death
- b) Does not remain privileged after the dissolution of marriage by divorce, but remains privileged even after death
- c) Remains privileged after the dissolution of marriage by divorce but not so on after death
- d) Remains privileged communication after the dissolution of marriage by divorce or death

66. Extrinsic evidence to show the meaning or supply the defects in an instrument is prohibited under Section 93, in respect of:

- a) Ambiguitas patens
- b) Ambiguitas latens
- c) Both (a) and (b)
- d) None of the above

67. Propositions under Evidence Act are:

I. In civil cases, character evidence is inadmissible unless the character of a party is a fact in issue.

II. In criminal cases, the evidence of good character is admissible generally.

III. In criminal proceedings, evidence of bad character is inadmissible unless the same is a fact in issue.

IV. In criminal proceedings evidence of bad character is admissible when evidence of good character has been given.

In relation to the above propositions which of the following is correct statement:

- (a) I, II, III & IV are correct
- (b) I, II & III are correct but IV is incorrect
- (c) I & II are correct but III & IV are incorrect
- (d) I & III are correct but II & IV are incorrect
- (e) I, II & IV are correct but III is incorrect
- (f) II, III & IV are correct but I is incorrect.

68. Question of mode of proof is:

- a) A question of law which can be raised at any time
- b) A question of procedure but has to be raised at the first opportunity and stands waived if not raised at the first opportunity

- c) A question of procedure and can be raised at any time
- d) A mixed question of law and fact

### INDIAN PENAL CODE

69. Causing of the death of child in the mother's womb is not homicide as provided under:

- a. Explanation V to Section 300
- b. Explanation I to Section 299
- c. Explanation II to Section 299
- d. Explanation III to Section 299

70. A, B and C plan to enter into a jewellery shop and commit theft at the shop. They collect the implements of house breaking and go to the jewellery shop to execute their plan. On reaching there, they find a police patrol van stationed outside the shop and hence return. Their act amounts to:

- a. Attempt to commit housebreaking
- b. Criminal conspiracy
- c. Attempt to commit theft
- d. Both (a) and (c)

71. Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished under which section of Indian Penal Code?

- a. Section 127
- b. Section 128
- c. Section 129
- d. Section 130-141

72. 'A' the landlord, knowing of the commission of a murder within the limits of his estate wilfully misinforms the Magistrate of the district that the death has occurred because of an asthma attack followed with an attack of epilepsy. In such a situation 'A' is:

- a. Liable for no offence
- b. Liable for the offence punishable under Section 177 Indian Penal Code
- c. Liable for the offence punishable under Section 193 Indian Penal Code
- d. Liable for the offence punishable under Section 196 Indian Penal Code

73. A, being legally bound to appear before a District Judge, as a witness, in obedience to a summons issued by that District Judge intentionally omits to appear. A has committed the offence under:

- a. Section 174 Indian Penal Code
- b. Section 174A Indian Penal Code
- c. Section 175 Indian Penal Code
- d. Section 176 Indian Penal Code

74. Violation of condition of remission of punishment has been given under Indian Penal Code in:

- a. Section 227
- b. Section 228
- c. Section 229
- d. Section 230

75. A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. Under Indian Penal Code, A is liable to:

- a. Imprisonment for life
- b. Imprisonment of either description for seven years and to fine also
- c. Imprisonment of either description for twelve years and to fine also
- d. Imprisonment of either description for ten years and to fine also

76. X puts gold coins into a box belonging to Z, with intention that they may found in that box, and that this circumstance may cause Z to be convicted of theft. What offence X committed under Indian Penal Code, 1860?

- a) Fabricating false evidence
- b) Giving false evidence
- c) Committing abetment of theft
- d) Committing cheating

77. In a village *Vaidya* used to successfully operate wounds with shaving blade. Victim who was suffering from piles was operated with shaving blade by the *Vaidya*. Due to profound bleeding, the victim died and the *Vaidya* was prosecuted for causing death of the victim. Under which of the following sections of the Indian Penal Code *Vaidya* can be defended?

- a. Section 87
- b. Section 88
- c. Section 89
- d. None of the above

78. Under Section 64 of the Indian Penal Code, a sentence of imprisonment for non-payment of fine shall:

- a. Be concurrent of any other imprisonment
- b. Be in excess of any other imprisonment to which an offender has been sentenced
- c. Not be in excess of any other imprisonment
- d. None of the Above

79. In one of the famous cases, the Supreme Court has made the following observation: "The right of private defence is a right of defence and it is not a right of retribution"

- a. State of U.P. v. Ram Swarup
- b. State of Punjab v. Nanak Chand
- c. Deo Narain v. State of U.P.
- d. State of H.P. v. Wazir Chand

80. A personates B at a trial with B's consent, which was given to save himself from the trouble to making an appearance in person before a Magistrate.

- a. A is guilty of personation (Section 217)
- b. A is guilty of personation (Section 216)
- c. A is guilty of personation (Section 215)
- d. A is guilty of personation (Section 205)

81. Response which of the following statement is incorrect:

The imprisonment in default of payment of fine does not liberate the offender from his liability to pay the fine in full imposed on him. It imposes the following periods of limitations.

- a) A period of six years from the date of sentence within which the fine can be recovered
- b) A longer period in cases in which the offender has been sentenced to imprisonment more than six months
- c) The death of the offender will not extinguish the liability for fine and it can be recovered from any property which is liable for the payment of his debts
- d) All the above

82. Mr. V, an appellant is an owner of a house in City A. The wife of the first respondent Y, was tenant of a part of the first floor in that house. One day, one R a servant of the appellant, called the wife of the first respondent a thief and Halkat. On the following day, the first respondent slapped R on his face which was followed by heated exchange of abusive words and between the first respondent and the appellant's husband.

The first respondent was annoyed and threw at the appellant's husband a file of papers. The file did not hit the appellant's husband, but it hit the elbow of the appellant causing a scratch. The appellant lodged information to the police complaining that the first respondent had committed a house trespass in order to the committing of an offence punishable with imprisonment, had thrown a shoe at her and had slapped her servant R.

During the course of the investigation the appellant and R refused to be examined at a public hospital, claiming that a private medical practitioner had certified that the appellant had suffered from bleeding incision.

As a judge of the case you would:

- a. convict the accused under Section 95 of the IPC
- b. acquit the accused under Section 95 of the IPC
- c. fine the appellant under Section 95 of the IPC

- d. Both (a) and (c)

83. G's party was engaged in the peaceful pursuit of worship at their own takhat was busy attending to the Puja for the Nepali pilgrim. At that point of time they were not members of an unlawful assembly. It was the party of A who left their place and came to G's takhat, presumably raising a dispute over the offerings made by the Nepali pilgrim. They came armed with deadly weapons and one of them inflicted a severe blow on the S and G's side which resulted in his death and others received as many as 27 serious injuries.

- a. G's party exercise the right to self defence
- b. Both G and A's party cannot claim the right to self defence
- c. A's party had full intention of causing harm
- d. Both (a) and (c)

84. The accused without any provocation caught hold of the legs of a 7 year old child and dashed his head thrice in quick succession resulting in the death of the boy. Immediately after the occurrence the accused ran away. The accused pleaded insanity in defence.

- a. the offence falls under Clause (iii) of Section 300, IPC
- b. the offence falls under Clause (iv) of Section 300, IPC
- c. the offence falls under Clause (v) of Section 300, IPC
- d. the offence falls under Clause (vi) of Section 300, IPC

85. A quarrel arose between C on the one side and A and B on the other. C abused A, whereupon A struck him with a stick, and B struck him down with an axe on the head. He also received two other wounds with the axe on the other parts of the body. Any one of the three axe wounds was sufficient enough to cause death, especially the one on the head.

- a. C is guilty for voluntarily provoking the attack while B is guilty of culpable homicide
- b. A is guilty of culpable homicide, while B is guilty of voluntarily causing hurt
- c. B is guilty of culpable homicide, while A is guilty of voluntarily causing hurt
- d. Both A and B are guilty of culpable homicide

86. The basic principle which runs through Section 32 to 38 of IPC is that:

- a. in certain circumstances some part of the act is attributed to a person who may have performed only a fractional part of it.
- b. in certain circumstances an entire act is attributed to a person who may have performed only a fractional part of it.
- c. in certain circumstances an entire act is attributed to a person who may have performed the whole of it.
- d. in certain circumstances no act is attributed to a person who may have performed only a fractional part of it.

87. Which of the following does not attract Section 34 of the IPC?
- a. the accused husband killed his wife and threw her dead body into the well to the knowledge of co-accused. As yet co-accused took the false plea that on date and hour incident the deceased was present in the house.
  - b. the accused was involved in looting the victims in broad daylight on the main public road. Main accused indulged in looting but co-accused was simply standing nearby.
  - c. Driver and cleaner of a bus when form a common intention to kill the deceased and in pursuance of the plan kill him and take away the sale proceeds of the grain sold by him
  - d. all of them except the co-accused in B.
88. When all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused then:
- a) the inference of guilt can be justified
  - b) the inference of guilt cannot be justified
  - c) benefit of doubt should be given
  - d) none of the above

#### LIMITATION ACT

89. In a suit filed by the plaintiff, the defendant in his written statement has taken the objection of non-impleadment of necessary party. Despite such objection the plaintiff continued the suit and the suit was finally decreed. At the first appellate stage, the plaintiff withdraws the suit with liberty to file a fresh one on the same cause of action and subsequently filed a fresh suit. The period spent by the plaintiff in the earlier suit, under Section 14 of Limitation Act is:
- a) liable to be excluded on the ground that the plaintiff was prosecuting the earlier suit with due diligence and in good faith
  - b) not liable to be excluded as the plaintiff cannot be said to be prosecuting the earlier suit with due diligence and in good faith
  - c) liable to be excluded under section 14(3) of Limitation Act
  - d) to be excluded or not to be excluded is in the discretion of the Court
90. Under Section 13 of Limitation Act, the time is excluded:
- a) if the application for leave to sue or appeal as a pauper is allowed
  - b) if the application for leave to sue or appeal as a pauper is rejected
  - c) in both the cases
  - d) in none of the case
91. For the purposes of Section 3, Limitation Act, 1963, limitation is checked:
- a) when the plaint is actually presented in the proper court
  - b) when the plaint is presented even in a court not competent to try the suit
  - c) when the plaint is presented by the part
  - d) all the above

92. Under Section 3, Limitation Act, 1963 the court is required to consider the question of limitation:
- a) only when objection to limitation is raised by the defendant
  - b) only when the defendant does not confess judgment
  - c) only when the defendant does not admit his liability
  - d) *suo motu* even when the defendant has not taken any objection of limitation or has confessed judgment or has admitted this liability in the written statement
93. For a suit to recover possession of a movable property conveyed or bequeathed in trust and afterwards transferred by the trustee for a valuable consideration, under Article 93 of the Schedule, the period of limitation is:
- a) thirty years
  - b) twelve years
  - c) three years
  - d) one year
94. Period of limitation for setting aside an *ex parte* decree is:
- a) 10 days
  - b) 30 days
  - c) 60 days
  - d) 90 days
95. Whether a plaintiff could with reasonable diligence have discovered the fraud or mistake under Section 17, Limitation Act, is a:
- a) Question of fact to be decided on the basis of facts disclosed in each case
  - b) Question of law
  - c) Mixed question of fact and law
  - d) Substantial question of law
96. What is the prescribed limitation for filing a suit, by a mortgagee, for foreclosure, reckoned from the date when the money secured by the mortgage becomes due?
- a) 3 years
  - b) 12 years
  - c) 20 years
  - d) 30 years
97. What is the prescribed period of limitation for filing a civil suit, challenging the dispossession of the plaintiff on the ground that the land had been illegally acquired by the Government?
- a) One year from the date of dispossession
  - b) Three years from the date of dispossession
  - c) Twelve years from the date of dispossession
  - d) None, as the suit is not maintainable
98. For a suit to enforce a right of pre-emption, the period of limitation under Article 97 of the Schedule is:
- a) One year
  - b) Two years

- c) Three years
- d) Twelve years

99. Under Section 6 of Limitation Act, where several disabilities co-exist concurrently in the plaintiff the time does not commence to run against him:

- a) Till the first disability ceases to exist
- b) Till the two, if there are more than two, disabilities cease to exist
- c) Till all the disabilities cease to exist
- d) Either (a) or (b)

**-XXXXXXXX-**

**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, 2023.**

Total Marks: 100 Marks

Date : 10-12-2023 (Sunday)

Duration: 3 Hours

Time: 9 A.M. to 12 Noon

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**(PAPER-III)**

**CONSTITUTIONAL LAW (40 MARKS)**

1. Write an essay on **any two** of the following: (10 x 2 = 20)
  - (a) A comparative study of Article 32 and Article 226 of the Constitution of India.
  - (b) "Due process of Law"- its relevance to the Constitution of India.
  - (c) Amending powers of the Constitution of India vis-à-vis the doctrine of Basic Structure.
  
2. Write short notes on **any four** of the following: (5 x 4 = 20 Marks)
  - (a) Concept of complete justice under Article 142 of the Constitution of India.
  - (b) Preamble of the Constitution of India.
  - (c) Sixth Schedule of the Constitution of India.
  - (d) Doctrine of Pith and Substance – its history and significance to the Constitution of India.
  - (e) Equal Justice and free legal aid under the Constitution of India.

**JURISPRUDENCE (20 MARKS)**

3. Write brief notes on **any four** of the following: (5 x 4 = 20 Marks)
  - (a) Application of the doctrine of 'Audi Alterem Partem' in administrative actions.
  - (b) 'Ratio decidendi' and 'Obiter Dicta'.
  - (c) Rule of Law.
  - (d) Law of Precedent.
  - (e) Theory of Laissez-fair.
  - (f) Sources of Law.

**JUDGMENT WRITING (40 MARKS)**

4. Write a judgment on the basis of the materials available in the enclosed paper book.: (40 Marks)

# **PAPER BOOK**

STATE OF ASSAM

v/s

Md. JALALUDDIN AHMED &

Md. SHAKIL AHMED

**SESSIONS CASE NO.: 127 OF 2018**

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Seen  
Sd/- Illegible  
Chief Judicial Magistrate  
Sonitpur, Tezpur  
2/5/17

Assam Schedule XLA (I) F.I.R.

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

**G.R. 1537/17**

1. District- **Sonitpur** P.S.: **Tezpur** Year: **2017** FIR No.: **790/17** Date: **01.05.2017**
  
2. (i) Act: ..... u/Sections: **365/379 IPC**  
(ii) Act: ..... Sections: **Add Sec. 302 I.P.C.**  
(iii) Act: ..... Sections: **Add Sec. 201 I.P.C.**  
(iv) Other Act & Section: .....
  
3. (a) General Diary Reference: Entry No.: ..... Time: .....  
(b) Occurrence of Offence Day: ..... Date: **29.4.2017** Time: **5.00 PM**  
(c) Information receipt date: **01.5.2017** Time: **11/00 AM** GD No.: .....  
at Police Station
  
4. Type of Information: Written/Oral  **ejahar**
  
5. Place of Occurrence:  
(a) Direction and Distance from P.S.: **About 5 KM North**  
(b) Address: **Bhojkhowa Chapari P.S. Tezpur Dist.- Sonitpur**  
.....Beat No.:.....

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

.....District:.....

6. Complainant/Informant:

(a) Name – **Ainul Haque**

(b) Father's Name – **Late Abdul Kadir**

(c) Date/Year of Birth – **30 yrs**

(d) Nationality – **Indian**

(e) Passport No.: ..... Date of Issue ..... Place of Issue .....

(f) Occupation: **Ward Boy Mental Hospital Tzp**

(g) Address – **Bhojkhowa Chapari PS Tezpur Dist- Sonitpur**

7. Details of known/Suspected/Unknown accused with full particulars:

**(1) Unknown**

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 Properties Stolen/Involved.....

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

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

**Original FIR enclosed here with**

13. Action taken: Since the above report reveals Commission of Offence(s) U/S as mentioned at Item No. 2 registered the case and took up the investigation/directed:

**S.I. Abdul Mamin of Tezpur P.S. investigate the case** to take up the investigation/transferred to P.S..... on point of jurisdiction. F.I.R. read over to the Complainant/Informant admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

**Sd/- Ainul Hoque – 30 yrs**

Signature/Thumb impression of  
the Complainant/Informant

*Sd/- Ranjit Saikia, S.I.  
Officer-In-Charge  
Tezpur Police Station  
Dt. 1/5/17*

Signature of the Officer In-charge,  
Police Station

Name:

Rank:

Number, if any:

Ex. No. 3  
Case No.....  
Date- 15.11.18  
Sd/- Illegible  
Addl. Dist. & Session Judge  
FTC, Tezpur

GR 1537/17

Seen  
Sd/- Illegible  
Chief Judicial Magistrate  
Sonitpur, Tezpur  
2/5/17

To,

The Officer-in-Charge,  
Tezpur Sadar Police Station

Sub: Ejahar

Date- 01-05-17

Sir,

With due respect, I beg to inform you that at about 5:00 p.m. on 29-04-17, my driver, whose details are mentioned below, went to Shillong with my car described in detail below. I had been in contact with the driver through his mobile phone no. 9401378245 till 10:00 p.m. But, thereafter, I could not be able to establish any contact with him and the driver has not returned with the said car yet. Though I have made enquiries about the said the car and the driver in various places, I have not got any clue to the whereabouts of the car and the driver till now. As I was busy in searching for the car and the driver and was waiting for the driver to come back, the lodging of this ejahar has got delayed.

I, therefore, pray to you to take immediate necessary steps in this regard by investigating into the matter and oblige.

**Details of the lost car-**

AS-07-D-9009 No.

White Swift Desire

Chassis No.- MA3FSEB1300337932

Engine No.- D13A1547572

**Name & Address of the driver-**

Sri Santosh Roy

S/O- Late Shankar Roy

R/O- Kolibari

P.S.- Tezpur Sadar

Dist.- Sonitpur(Assam).

*Ex. No. 3(1)*  
*Case No.....*  
*Date- 15.11.18*  
*Sd/- Illegible*  
*Addl. Dist. & Session Judge*  
*FTC, Tezpur*

Yours faithfully,  
 Sd/- Ainul Haque  
 S/o- Late Abdul Kadir  
 R/o- Bhojkhowa  
 P.O.- Bhojkhowa Chapori  
 P.S.- Tezpur Sadar  
 Dist.- Sonitpur (Assam)  
 Mobile No.- 9859757280

The ejahar has been written as per the version of the informant; and I have put my signature herein after it has been read over to him.

Sd/ Jonai Das (scribe)

Received and register Tezpur P.S. Case No. 790/2017 U/s 365/379 I.P.C. and S.I. Abdul Mamin of Tezpur P.S. investigate the case.

*Ex. No. 3(2)*  
*Session Case No. 127/18*  
*Date- 27/2/19*  
*Sd/- Illegible*  
*Addl. Dist. & Session Judge*  
*FTC, Tezpur*

*Sd/- Ranjit Saikia, S.I.*  
*Officer-In-Charge*  
*Tezpur Police Station*  
*Dt. 1/5/17*

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

**CHARGE WITH FOUR HEAD**  
(No. XXVIII (1), SCHEDULE V, Act 1838)  
(Sections 221, 222, 223, Code of Criminal Procedure)

**SESSIONS CASE NO. 127 OF 2018**

Name and Office of Magistrate etc. I, (1)  
Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

hereby charge you (2)

Name of accused Person **1. Md Jalaluddin Ahmed,  
2. Md Shakil Ahmed.**

as follows :-

Firstly, That you both on 29-02-2017 at about 5.30 PM, at Taxi Stand, near Jonaki Cinema Hall under Tezpur PS in furtherance of common intention, kidnapped Santosh Rai with intent to caused the person to be secretly and wrongfully confined and thereby committed an offence punishable U/S 365/34 of the Indian Penal Code and within my cognizance.

Secondly, That you both on the same date, time and place, as mentioned above or thereafter, (in the state of Meghalaya) in furtherance of common intention, did commit murder by intentionally causing the death of Santosh Rai and that you both thereby committed an offence punishable U/S 302/34 of the Indian Penal Code and within my cognizance.

Thirdly, That you both on the same date, time and place, as mentioned above or thereafter, (in the state of Meghalaya) in

Md Jalaluddin  
 Md Shakil Ahmed

furtherance of common intention, having reason to believe that offence of kidnapping and murder has been committed punishable with death or imprisonment for life, and shall also be liable to fine/shall be imprisonment for a term which may extend to seven years and shall be liable to fine, did cause evidence of the said offence disappear i.e. dead body of the victim and thereby committed an offence punishable U/S 201/34 of the Indian Penal Code and within my cognizance.

Fourthly, That you both on the same date, time and place, as mentioned above or thereafter, in furtherance of common intention, committed theft of the car( AS-07D/9009, Swift Dzire) of the informant Ainul Haque and thereby committed an offence punishable U/S 379/34 of the Indian Penal Code and within my cognizance.

The above charge under Section 365/302/201/379/34 of IPC is read over, interpreted and explained to the accused person to which, they pleaded not guilty.

ADDL SESSIONS JUDGE(FTC)  
SONITPUR : TEZPUR

Dated Tezpur, the 3<sup>rd</sup> July, 2018.

(2) Shakil Ahmed  
@ M.D. Jafaruddin

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

**CHARGE WITH FOUR HEAD**  
(No. XXVIII (1), SCHEDULE V, Act 1838)  
(Sections 221, 222, 223, Code of Criminal Procedure)

**SESSIONS CASE NO. 127 OF 2018**

Name and Office of Magistrate etc. I, (1)  
Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

hereby charge you (2)

Name of accused Person **1. Md Jalaluddin Ahmed,  
2. Md Shakil Ahmed.**

as follows :-

Firstly, That you both on 29-04-2017 at about 5.00 PM, at Taxi Stand, near Jonaki Cinema Hall under Tezpur PS in furtherance of common intention, kidnapped Santosh Rai with intent to caused the person to be secretly and wrongfully confined and thereby committed an offence punishable U/S 365/34 of the Indian Penal Code and within my cognizance.

Secondly, That you both on the same date, time and place, as mentioned above or thereafter, (in the state of Meghalaya) in furtherance of common intention, did commit murder by intentionally causing the death of Santosh Rai and that you both thereby committed an offence punishable U/S 302/34 of the Indian Penal Code and within my cognizance.

Thirdly, That you both on the same date, time and place, as mentioned above or thereafter, (in the state of Meghalaya) in furtherance of common intention, having reason to believe that

M.D. Shakil. uddin  
Shakil Ahmed

offence of kidnapping and murder has been committed punishable with death or imprisonment for life, and shall also be liable to fine/shall be imprisonment for a term which may extend to seven years and shall be liable to fine, did cause evidence of the said offence disappear i.e. dead body of the victim and thereby committed an offence punishable U/S 201/34 of the Indian Penal Code and within my cognizance.

Fourthly, That you both on the same date, time and place, as mentioned above or thereafter, in furtherance of common intention, committed theft of the car( AS-07D/9009, Swift Dzire) of the informant Ainul Haque and thereby committed an offence punishable U/S 379/34 of the Indian Penal Code and within my cognizance.

The above charge under Section 365/302/201/379/34 of IPC is read over, interpreted and explained to the accused person to which, they pleaded not guilty.

ADDL SESSIONS JUDGE(FTC)  
SONITPUR : TEZPUR

Dated Tezpur, the <sup>03<sup>rd</sup></sup> ~~3<sup>rd</sup>~~ July, 2018.

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

## ORDER SHEET FOR MAGISTRATE'S RECORDS

**DISTRICT: Sonitpur**

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR, TEZPUR.**

**GR 1537/17**

Sl. No.	Date	Order	Signature
Shakil Ahmed	29.06.2018 <i>M.D. Shakil Ahmed</i>	<p>Hazotee accused Jalaluddin Ahmed and Shakil Ahmed are produced from jail hazot. Ld. Counsel for accused is present.</p> <p>Copy of the prosecution documents furnished to the accused persons. Perused the case record. It appears that the offence alleged against the accused Jalaluddin Ahmed and Shakil Ahmed is U/S 365/379/302/201 of I.P.C. Since the alleged offence U/S 302 of I.P.C. is exclusively triable by the Hon'ble Court of Sessions, therefore, the case is committed to the Court of the Hon'ble Sessions Judge, Sonitpur, Tezpur.</p> <p>Transmit the case record and the case diary to the Hon'ble Court of Sessions Judge, Sonitpur, Tezpur. Inform the Id. P.P. accordingly.</p> <p>Remand the accused Jalaluddin Ahmed and Shakil Ahmed to jail custody with direction to the jail authority to produce before Hon'ble Court of Sessions Judge, Sonitpur, Tezpur on 03-07-2018.</p> <p>Fix 03-07-2018 for appearance of the accused person before the Hon'ble Sessions Judge, Sonitpur, Tezpur.</p>	<p><i>Copy Received</i></p> <p>C.J.M. Sonitpur, Tezpur</p>

Assam Schedule VIII, Form No. 93  
High Court Criminal Form No.(M) 83.  
**FORM FOR RECORDING DEPOSITION**

The Deposition of **P.W. 1** in Sessions Case No. **127** of **2018** , Aged about **50** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me , Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 17<sup>th</sup> day of July, 2018**

My name is Sri Rajendra Das  
My husband's/father's name is Sri Siumoni Das  
by caste Hindu,  
I reside at Village – Natun Kolibari  
PS- Tezpur Dist. – Sonitpur, Assam.  
by profession – Gaonburha.

**On SA**

**Examination-in-chief:**

I know one of the accused namely Jalaluddin, who is in the dock today. I do not know the other accused. The incident took place in the year 2017. As a Gaonburha of my village, the police of Tezpur police station in the year 2017 asked me to accompany them to Shillong in connection with the investigation of a murder case. Accordingly, I along with other persons and the accused Jalaluddin went to Shillong. The accused Jalaluddin showed somewhere between Shillong and Maulai Police jurisdiction the place where they committing murder of driver Santosh Rai by strangulating with the help of 'Surni' and throwing the dead body down the mountain. Thereafter, we went to the local police station and the local Magistrate was called to the spot. The accused Jalaluddin again in presence of Magistrate and local police showed the place where the dead body was thrown. The complete process was video graphed. In presence of the Magistrate and Local police also Jalaludding narrated how he along with another committed the murder of Driver Santosh Rai. Santosh was driving the vehicle which was hired by the accused Jalaluddin and his associate from Tezpur.

Thereafter we went to the Moulai police station and there some papers were prepared and we signed upon the same. Ext.1 is the paper prepared at Maulai police Station and Ext.1 (1) is my signature.

*Rajendra Das*

**Cross-examination by Defence:**

I am of gaonburha of Kalibarichuk. I gave the documents to police regarding my engagement as Gaonburha. But, the said document is not available in the record of this case. I do not know when and by whom the vehicle connected with the incident was hired. Police has not recorded my statement, but, asked me to accompany them to Shillong. For the first time, I am narrating my experience regarding accompanying the police of Tezpur to Shillong. The officer of police of Tezpur, with whom I accompanying to Shillong had been transferred from Tezpur and I do not know his name. Some of the police personnel were in civil dress. As a gaonburha I used to visit the police station. Victim Santosh Rai was my co-villager.

It is not a fact that as the victim Santosh Rai was my co-villager, I have deposed falsely before this Court.

It is not a fact that I never accompanied the police of Tezpur with accused Jalaluddin and others. It is not a fact that accused Jalaluddin had never disclosed anything regarding murder of Santosh Rai and throwing of dead body in between Borapani and Maulai. It is not a fact that I was not present before the Magistrate and police of Shillong/Maulai.

It is not a fact that I never visited Shillong <sup>but</sup> and gave my statement at Tezpur Police Station.

I do not know what is the content of Ext.1 and nobody has read over the same to me.

It is not a fact that I have given a statement at Tezpur PS and in that statement I have not stated that I was called by police as a gaonburha and asking me to accompany them to Shillong as the gaonburha of my village. It is not a fact that in the said statement it was not recorded that I along with others and Jalaluddin went to Shillong. It is not a fact that in the statement at Tezpur PS I did not state that Jalaluddin disclosed regarding murder of Santosh Rai and in the manner I stated above.

It is not a fact that in my statement given at Tezpur PS it was not mentioned that the local police and Magistrate of Shillong/Maulai was called and thereafter, we again came to the spot and in their presence Jalaluddin again repeated the manner of murdering Santosh Rai and disposing the dead body.

Rajendra Das

It is not a fact that in the statement given at Tezpur PS it was not mentioned that the complete process was video graphed in presence of local police and Magistrate of Shillong/Mulai. It is not a fact that in the statement given at Tezpur PS it is not disclosed that we returned to Maulai PS and there some papers were prepared and I signed upon them.

The place is situated between Borapani and Maulai PS, but, I do not know the name of the spot. The spot is beside the National Highway.

It is not a fact that I have deposed today after hearing the same from police and I never visited the spot. It is not a fact that Jalaluddin never admitted in my presence and in presence of others regarding his complicity in the offence.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Rajendra Dha

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. **127** of **2018** , Aged about **19** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_ , Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 27<sup>th</sup> day of August, 2018**

My name is Sri Rupan Ahmed  
My husband's/father's name is Md Abdul Malik  
by caste Muslim,  
I reside at Village – Kantalas  
PS- Badarpur Dist. – Karimganj, Assam.  
by profession – Private Job.

**On SA**

**Examination-in-chief:**

I know accused Sakil Ahmed. I do not know the other accused present in the dock. The incident took place about 5/6 months ago. 4/5 months ago I was serving at Bangalore as Security Guard in a private company. Sakil during that time called me over phone and make a query whether he can get any employment at Bangalore, then, I informed him that he can get Security Guard at Bangalore. Sakil went to Bangalor and joined as a Security Guard. After 8/10 days, one day at around 8.00 PM, police of Bangalore apprehended Sakil. Police also took me with Sakil to Police station and after interrogation released me, but, Sakil was sent to jail. Police apprehended me because they found my phone number in the record of the phone of Sakil. I came to know that Sakil was arrested in connection with a murder case.

I signed in the seizure list by which police seized the mobile of Sakil. Ext.2 is the seizure list and ext. 2(1) is my signature.

Rupan  
Ahmed

**Cross-examination by Defence:**

I signed on Ext.2 at Bangalore. I forgot whether there was any writing in Ext.2 at the time of putting my signature. I do not know what is written in Ext.2.

R.O. A.C.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Purpan  
Ahmed

Assam Schedule VIII, Form No. 93  
High Court Criminal Form No.(M) 83.  
**FORM FOR RECORDING DEPOSITION**

The Deposition of **P.W. 3** in Sessions Case No. **127** of **2018** , Aged about **40** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_ , Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 2<sup>nd</sup> day of November, 2018**

My name is Sri Kartik Barman  
My husband's/father's name is Late Nabin Barman  
by caste Hindu,  
I reside at Village – Nepalipatty,  
PS- Tezpur Dist. – Sonitpur, Assam.  
by profession – Driver.

**On SA**

**Examination-in-chief:**

I know the accused persons present in the dock. I also know the informant of this case. The incident took place about one year ago. On 29-04-2017 my sister Anima Rai called me over phone and enquired about my location. I told her that I am in Shillong. She then told me that her husband Santosh Rai also went to Shillong, but, has not returned. Santosh Rai went to Shillong driving the car of Ainul Haque(informant). After returning from Shillong and also coming to know that Santosh has not returned with the car, I along with owner of the car namely Ainul Haque informed the police of Tezpur. After around one year one driver of Jonaki Taxi Stand, Tezpur while making a trip to Hailakandi noticed the car driven by Santosh Rai, he took a snap of the car and uploaded in Facebook. I immediately informed the matter to Tezpur PS. The police immediately seized the vehicle at Hailakandi and also apprehended the accused Jalaluddin who is present in the Court today. After about 30/45 days I accompanied the police of Tezpur, accused Jalaluddin and Secretary of our village to a place named Ryndang located between Borapani and Shillong. Accused Jalaluddin informed that in that place he threw the dead body of Santosh Rai after killing him. At that time Magistrate of Shillong was also present. Jalaluddin

KARTIK BARMAN

informed that Santosh Rai was strangled by a "surni"(piece of clothe).

Ext. 1 is the search list and Ext.1(2) is my signature.

I also came to know that one Sakil was also involved in the crime and lateron, police arrested Sakil from Bangalore.

**Cross-examination by Defence:**

Today for the first time, I am stating the fact before the Court.

It is not a fact that wife of Santosh never enquired from me regarding the location of Santosh on 29-04-2017. It is not a fact that I never accompanied Jalaluddin to Ryndang and he never said regarding throwing of dead body of Santosh Rai. It is not a fact that no Magistrate of Shillong was present when Jalaluddin showed the place from where Jalaluddin threw the dead body of Santosh Rai.

I put my signature in the search list(Ext.1) at Tezpur PS. Police prior to taking my signature did not explain to me what is written in Ext.1.

R.O. A.C.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

KARTIK BARMAN

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. **127** of **2018** , Aged about **32** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_ , Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 2<sup>nd</sup> day of November, 2018**

My name is Smti Anima Rai  
My husband's/father's name is Late Santosh Rai  
by caste Hindu,  
I reside at Village – New Kolibari,  
PS- Tezpur Dist. – Sonitpur, Assam.  
by profession – Housewife.

**On SA**

**Examination-in-chief:**

I know the informant of this case. I know the accused persons. The incident took place on 29-04-2017. My husband used to drive the car of Ainul Haque. The Number of car is 909(swift Dzire, colour – white). On 29-04-2017 my husband informed me that he is going to Shillong. My husband made the last call at around 8.00 PM from Jurabat. In the early morning I rang my husband, but, the phone was found switch off. I made several attempt and also call the owner of the car. The owner of the car also finding the mobile of my husband in switch off mode, came to my residence to enquire whether my husband has returned. As we could not connect with my husband, we informed the police. After about one year, one driver of Tezpur could identify the car of my husband while going to Shilchar and informed the other driver of Taxi stand. Immediately the police was informed, the accused Jalaluddin was apprehended and the car was seized. After some days, police apprehended the accused Sakil from Bangalore. After arrest of both the accused, I went to police station to see them. The accused Sakil said to me that he has not committed the crime but, Jalaluddin has stabbed my husband from behind and threw the dead body from the mountain between Shillong and Borapani. Police recorded my statement.

Smti Anima Rai

**Cross-examination by Defence:**

It is not a fact that I did not state before police that "my husband made the last call at around 8.00 PM from Jurabat. In the early morning I rang my husband, but, the phone was found switch off. I made several attempt and also call the owner of the car. The owner of the car also finding the mobile of my husband in switch off mode, came to my residence to enquire whether my husband has returned. As we could not connect with my husband, we informed the police. After about one year, one driver of Tezpur could identify the car of my husband while going to Shilchar and informed the other driver of Taxi stand. Immediately the police was informed, the accused Jalaluddin was apprehended and the car was seized. After some days, police apprehended the accused Sakil from Bangalore. After arrest of both the accused, I went to police station to see them. The accused Sakil said to me that he has not committed the crime but, Jalaluddin has stabbed my husband from behind and threw the dead body from the mountain between Shillong and Borapani".

Whatever, I have stated today was informed to me by police and accused Sakil. Hence, there is no need for making any separate statement. The name of the police officer was Jitu Deka.

It is not a fact that police never informed me what happened to my husband. It is not a fact that accused Sakil never stated before me that his associate stabbed my husband from behind.

It is not a fact that I only mentioned whatever I was aware regarding the fact and no further.

R.O. A.C.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

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. **127** of **2018** , Aged about **62** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_ , Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 16<sup>th</sup> day of November, 2018**

My name is Seikh Nazrul  
My husband's/father's name is Late Seikh Nur Mahammad  
by caste Hindu,  
I reside at Village – Hatipilkhana,  
PS- Tezpur Dist. – Sonitpur, Assam.  
by profession – Business.

**On SA**

**Examination-in-chief:**

I know the informant of this case. I know the accused persons. I knew the deceased Santosh Rai @ Raju. The incident took place on 29-04-2017. On that day during evening hours I was standing at Taxi stand i.e. opposite to Flora Restaurant of Tezpur. I used to give on rent my vehicle(swift). At that moment, both the accused present in the court came to the Taxi Stand in a e-rikshaw. Noticing them they might have come to hire a Taxi, myself and Santosh(deceased) came forward. The accused Jalaluddin told us that they will go to Shillong Nagrim Hospital with a patient. Jalaluddin was talking in Hindi. The other accused was silent. I make query as to where is the patient to be taken to Shillong. But, the accused did not talk much with me, but, bargain with Santosh for the fair. Jalaluddin told Santosh that they will give Rs.4800/- and also provide meal and took away Santosh towards his car. Jalaluddin was carrying a black coloured bag on his back. Santosh used to drive the Swift Dzire vehicle (white colour) of Ainul Haque. I after leaving of Santosh told to my colleagues at the Taxi Stand that I do not like the conduct of the two persons who hired Santosh. In the next morning Ainul(Owner of the vehicle) came to the stand and told us that the mobile phone of Santosh is found switch off. Ainul lodged

CMA 05/11/18

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the ejahar. After about one year, one of our colleagues went to Badarpur carrying a official transferred from Tezpur to Badarpur. At Badarpur he noticed the car of Ainul and immediately sent the information to our Taxi Stand. Immediately, we informed the police at Tezpur and police took the initiative to seize the vehicle at Badarpur. Thereafter police with car owner went to Badarpur and brought back the vehicle. After about four days the person who financed Ainul for purchasing the vehicle met me and asked me to accompany him to the police station to see the vehicle so recovered. When I reached police station I noticed Jalaluddin handcuffed by police. I immediately identified the accused Jalauddin who came to hire the vehicle on 29-04-2017 at Taxi Stand. I came to know from police that Jalaluddin was claiming before police that he purchased the vehicle from another person. But, I clarified the police that it is Jalaluddin and another who hired the vehicle on the day of occurrence. I after meeting Jalaluddin at police station talked with him why he killed Santosh. Then Jalaluddin replied that why I am asking him after everybody had completed the interrogation. I talked with Jalaluddin in Hindi and he also replied in Hindi. Thereafter on request of police I went to Jail premise and identified Jalaluddin thrice in presence of Magistrate. After some days, the police of Tezpur PS namely Jitu Deka showed me a photograph in his mobile and asked me whether I can identify the same. I told the police officer that this is the photograph of the associates of Jalaluddin who was present when the vehicle was taken on hire. But, he was not talking. After some days police called me to the police station. There I noticed another accused namely Sakil. Police told me that they apprehended Sakil from Bangalore. I identified Sakil immediately being the associate of Jalalluddin when they hired the vehicle of Santosh. In my presence, Sakil asked me whether I noticed the black bag carried by Jalaluddin on that day. When I said that I noticed the bag, Sakil told that there was a dagger(Churi) inside the bag. Sakil told that when they crossed Borapani, Jalauddin with the dagger stabbed Santosh in the neck and pierced the dagger from one side to other side like doing "Halal". Then, Jalaluddin pressed the head of Santosh near the hand brake of the vehicle. There was lot of bleeding inside the vehicle. Then, Jalaluddin asked him to clean the floor of the vehicle and also the knife. Then, he (Sakil) cleans the floor of the vehicle and knife with his shirt. Therefater, they threw the dead body of Santosh down the mountain. Police recorded my statement.

(New at 2017)

**Cross-examination by Defence:**

Taxi Stand is situated near Jonaki Cinema Hall of Tezpur Town. The Taxi Association has got its officer bearer. Bhubesh Sutradhar is the President and myself and Ratul Lahkar are Secretary. Two persons came to Taxi Stand and hired the vehicle of Santosh at around 5.00-6.00 PM. I did not make any phone call to Raju at night. Owner of the vehicle lodged FIR.

It is a fact that I did not state before the police that after one year of the incident, one of my colleagues went to Badarpur taking an official transferred from Tezpur to Badarpur and noticed the vehicle of Santosh/Ainul.

It is not a fact that I did not state before police that on my visit to Tezpur PS, I noticed Jalaluddin kept handcuffed. It is not a fact that I did not state before the police regarding identifying accused Jalaluddin inside the jail premise in presence of Magistrate thrice. It is not a fact that I did not state before police that police officer Jitu Deka showed me a photograph and I identified the same to be the accomplice of Jalaluddin. It is not a fact that I did not state before police that I after meeting Jalaluddin at police station talked with him why he killed Santosh. Then Jalaluddin replied that why I am asking him after everybody had completed the interrogation.

It is not a fact that I did not state before police that I identified Sakil in the police station and informed the police that he was the person who was with Jalaluddin when the vehicle of Santosh was hired.

It is a fact that I did not state before police that *"In my presence, Sakil asked me whether I noticed the black bag carried by Jalaluddin on that day. When I said that I noticed the bag, Sakil told that there was a dagger (Churi) inside the bag. Sakil told that when they crossed Borapani, Jalaluddin with the dagger stabbed Santosh in the neck and pierced the dagger from one side to other side like doing "Halal". Then, Jalaluddin pressed the head of Santosh near the hand brake of the vehicle. There was lot of bleeding inside the vehicle. Then, Jalaluddin asked him to clean the floor of the vehicle and also the knife. Then, he (Sakil) cleans the floor of the vehicle and knife with his shirt. Thereafter, they threw the dead body of Santosh down the mountain",* because police was also present at that moment.

I only noticed that two accused hired the vehicle of Santosh from Tezpur. Thereafter, what happened in fact with Santosh is not witnessed by me. I do not know when owner of car informed the police regarding missing of Santosh. But, the

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fact of recovery of vehicle at Badarpur was informed after about one year of incident. Another Raju went to Badarpur with an official who was transferred from Tezpur to Badarpur. Initially, I did not mention the name of the accused to the police but, after their arrest I came to know their names. Myself and financier Panju and Ainul went to police station after coming to know that police has brought the vehicle back from Badarpur.

It is not a fact that I did not state before police that the accused persons hired the vehicle on 29-04-017.

R.O. A.C.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Handwritten signature/initials on the left margin.

Assam Schedule VIII, Form No. 93  
High Court Criminal Form No.(M) 83.  
**FORM FOR RECORDING DEPOSITION**

The Deposition of **P.W. 6** in Sessions Case No. **127** of **2018**, Aged about **33** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_, Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 16<sup>th</sup> day of November, 2018**

My name is Md Ainul Haque  
My husband's/father's name is Late Abdul Kadir  
by caste Muslim,  
I reside at Village – Bhojkhowa,  
PS- Tezpur Dist. – Sonitpur, Assam.  
by profession – Part time job.

**On SA**

**Examination-in-chief:**

I am the informant. I know the accused persons. I knew the deceased Santosh Rai @ Raju. The incident took place on 29-04-2017. Santosh Rai used to drive my vehicle No AS-07D/9009(swift Dzire). On that day during evening hours, he over phone informed that he is going to Shillong for a work. Till 10.00 PM he was in contact with me. In the morning I found his phone switch off. Suspecting something wrong, I informed all my friends and relatives. I also asked the family member of Santosh. On 01-05-2017 I lodged an FIR. We searched for the vehicle and Santosh, but, could not succeed. This year in the month of May, one of my friend whose name is Raju called me over phone and informed that he saw my vehicle at Karimganj and asked me to give my whatApp number. Immediately I gave a number of my friends to which Raju send a photograph of my vehicle. I confirmed the photograph is of my vehicle and I immediately informed the Tezpur PS. The police of Tezpur informed the Badarpur PS and on the next day informed me that my vehicle has been located and seized by Badarpur police. I with some of my friends and police of Tezpur went to Badarpur. Then, police of Badarpur handed over the vehicle. We with vehicle and Jalauddin came to Tezpur. Police found the vehicle in custody of Jalauddin at

*Ainul Haque*

Badarpur. On the next day, Nazrul of Taxi Stand identified the accused Jalaluddin who hired my vehicle on 29-04-2017. Nazrul also told that another person was with Jalaluddin. After about twenty days police informed me that associate of Jalaluddin was also apprehended. I went police station and noticed the another accused namely Sakil. Sakil spoke in Hindi and told me that he did not commit the offence, but, Jalaluddin has stabbed Santosh by a knife like committing "Halal". They committed the murder after crossing Borapani, Meghalaya and threw away the dead body from above the mountain.

Ext.3 is the FIR and Ext. 3(1) is my signature. Police gave my vehicle in my zimma.

**Cross-examination by Defence:**

For last five months prior to the incident Santosh used to drive my vehicle. Why Santosh was taking away the vehicle to Shillong, I was not aware. I was not aware who was accompanying Santosh on the day of occurrence. I lodged the FIR on Mon day i.e. on 01-05-2017. I lodged the FIR regarding missing of my driver and vehicle.

After 01-05-2017, no 2<sup>nd</sup> FIR was lodged by me. After lodging FIR, I used to enquire about my vehicle from the police of Tezpur.

It is not a fact that I did not state before police that for about eleven months I was enquiring about the matter from the police.

It is a fact that I did not state before police that "Till 10.00 PM he was in contact with me. In the morning I found his phone switch off. Suspecting something wrong, I informed all my friends and relatives. I also asked the family member of Santosh. On 01-05-2017 I lodged an FIR. We searched for the vehicle and Santosh, but, could not succeed. This year in the month of May, one of my friend whose name is Raju called me over phone and informed that he saw my vehicle at Karimganj and asked me to give my whatApp number. Immediately I gave a number of my friends to which Raju send a photograph of my vehicle. I confirmed the photograph is of my vehicle and I immediately informed the Tezpur PS. The police of Tezpur informed the Badarpur PS and on the next day informed me that my vehicle has been located and seized by Badarpur police. I with some of my friends and police of Tezpur went to Badarpur. Then, police of Badarpur handed over the vehicle. We with vehicle and Jalaluddin came to Tezpur. Police found the vehicle in custody of Jalaluddin at

Aminul Haque

*Badarpur. On the next day, Nazrul of Taxi Stand identified the accused Jalaluddin who hired my vehicle on 29-04-2017. Nazrul also told that another person was with Jalaluddin. After about twenty days police informed me that associate of Jalaluddin was also apprehended. I went police station and noticed the another accused namely Sakil. Sakil spoke in Hindi and told me that he did not commit the offence, but, Jalaluddin has stabbed Santosh by a knife like committing "Halal", because police also know the facts.*

I came to know about the location of the vehicle at Karimganj from a driver named Raju.

R.O. A.C.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

*Final Home*

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. **127** of **2018** , Aged about **28** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_, Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 16<sup>th</sup> day of November, 2018**

My name is Md Abdul Mazibur  
My husband's/father's name is Md Abdul Sobhan  
by caste Muslim,  
I reside at Village – Barikachuburi,  
PS- Tezpur Dist. – Sonitpur, Assam.  
by profession – Driver.

**On SA**

**Examination-in-chief:**

I know the informant. I also know the deceased Santosh @ Raju. I know accused Jalaluddin. On the day of occurrence, I was available in the Jonaki Taxi Stand, Tezpur Town. I noticed that Jalaluddin was talking with Santosh regarding hiring the vehicle. I also noticed that our colleague also went forward and started bargaining with the accused regarding fair of the vehicle. But, accused did not give any importance to Nazrul, but, talking with Santosh. Hence, I did not go near them. After sometime, Santosh with accused left the place by driving the vehicle. On query Nazrul told me that Santosh has left for Shillong dropping.

After two/three days, I came to know that Santosh has not returned with the vehicle. Ainul also informed that the vehicle and driver is missing. After many days, one of our colleagues noticed the vehicle of Ainul somewhere at Shilchar and sent the photograph and thereafter, Ainul informed the matter to police. Police with Ainul went to Shilchar brought the vehicle with Jalaluddin. After some days, police asked me to come to police station and accordingly I went there and informed the police that I noticed accused Jalaluddin talking with deceased Santosh from a distance. I also said to police that Nazrul also talked with the accused on the day of

MD: ABDUL

Mazibur

occurrence. Nazrul told the police that another person was also with Jalaluddin. Lateron, I came to know that police went to Shillong with Jalauddin, but, could not recover the dead body of Santosh.

**Cross-examination by Defence:**

I noticed one person talking with Santosh and went away. I am not aware personally to which place Santosh went. I came to know that police of Tezpur apprehended Jalaluddin as he was found driving the vehicle of Ainul. I have not visited Shilchar. But, came to know from my friends that the vehicle is in Shilchar. As the dead body of Raju @ Santosh not yet recovered, I cannot say whether he is alive or dead.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

MD: ABDUL  
Muzibur

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. **127** of **2018** , Aged about **20** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_ , Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 16<sup>th</sup> day of November, 2018**

My name is Md Jiaul Haque  
My husband's/father's name is Late Abdul Kadir  
by caste Muslim,  
I reside at Village – Bhojkhowa,  
PS- Tezpur Dist. – Sonitpur, Assam.  
by profession – Student.

**On SA**

**Examination-in-chief:**

Informant is my brother. I know the accused persons. I also know the deceased Santosh Rai. The incident took place on 29-04-2017 at about 5.00 PM. Raju @ Santosh Rai used to drive the vehicle of my brother. On 29-04-2017, Santosh went to Shillong with the vehicle, but, did not return thereafter. My brother informed the fact to me and asked me to informed all my friends and relatives by WhatsApp and Facebook. After about nine months, the vehicle as found at Karimganj. My brother with police went to Karimganj and brought back the vehicle. The vehicle was Swift Dzire. Police apprehended Jalauddin with the vehicle. Thereafter, my brother took the necessary steps.

After taking zimma of the vehicle, my brother sold the same to another person.

*Jiaul Haque*

**Cross-examination by Defence:**

From where police apprehended Jalaluddin I do not know.

R.O. A.C.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

*Prasad Ray*

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. **127** of **2018** , Aged about **70** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_ , Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 17<sup>th</sup> day of November, 2018**

My name is Smti Niroda Rai  
My husband's/father's name is Late Sankarlal Rai  
by caste Hindu,  
I reside at Village – New Kolibari,  
PS- Tezpur Dist. – Sonitpur, Assam.  
by profession – Housewife.

**On SA**

**Examination-in-chief:**

I know the informant. Deceased Santosh Rai is my son. I know the accused persons. The incident occurred in the last year in the month of 'Jeth'(Assamese Calendar) one Saturday. My son used to drive the vehicle of Ainul. On the day of occurrence, he went to Shillong with passengers. At about 7/8 PM he called to us over phone and informed that he is in Jorabat. Thereafter, there is no trace of my son. After about six months one friend of my son noticed the vehicle in Karimganj and informed the police. The owner of the vehicle brought back the vehicle from Karimganj. I went to the police station and noticed accused Jalaluddin. Police trace out the other accused. The other accused told that Jalaluddin stabbed my son nearby Borapani, Meghalaya. Till date, the dead body of my son could not be traced out.

**Cross-examination by Defence:**

For the first time I noticed Jalaluddin at Tezpur PS, when police brought back the vehicle. I came to know that both accused hired the vehicle of my son. I came to know from police that both the accused were apprehended from Karimganj.

It is not a fact that I did not state before police that "On the day of occurrence, he went to Shillong with passengers. At about 7/8 PM he called to us over phone and informed that he is in Jorabat. Thereafter, there is no trace of my son. After about six months one friend of my son noticed the vehicle in Karimganj and informed the police. The owner of the vehicle brought back the vehicle from Karimganj. I went to the police station and noticed accused Jalaluddin. Police trace out the other accused. The other accused told that Jalaluddin stabbed my son nearby Borapani, Meghalaya'.

I cannot say, for sure whether my son is dead or alive as till date his dead body is not traced out. Presently, also we are searching for our son.

R.O. A.C. —

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur  
Addl. Sessions Judge, F.T.C.  
Sonitpur, Tezpur

Addl Sessions Judge(FTC),  
Addl. Sessions Judge, F.T.C.  
Sonitpur, Tezpur

Assam Schedule VIII, Form No. 93  
High Court Criminal Form No.(M) 83.  
**FORM FOR RECORDING DEPOSITION**

The Deposition of **P.W. 10** in Sessions Case No. **127** of **2018**, Aged about **33** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_, Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 27<sup>th</sup> day of February, 2019**

My name is Sri Jitu Moni Deka  
My husband's/father's name is Sri Narendra Deka  
by caste Hindu,  
I reside at Village – Sapekhati,  
PS- Sapekhati Dist. – Soraideo, Assam.  
by profession – OC, Sapekhati PS.

**On SA**

**Examination-in-chief:**

I was posted in Sonitpur District from the year 2014 to 2018. On 30-03-2018, the OC, Tezpur PS handed over the case diary of Tezpur PS Case No 790/17 for investigation. I have perused the case diary maintained by the previous investigating officer. I noticed that the previous IO visited the place of occurrence, drawn the sketch map of place of occurrence and also recorded the statements of some witnesses. In the meantime, as I was busy in law and order duty, SI Ramen Borah of Tezpur PS went to Badarpur in connection with this case and seized the car involved in connection with this case along with accused Jalaluddin. After bringing back the car, and the accused Jalaluddin, SI Ramen Borah handed over the case diary. Thereafter, I again recorded statement of other witnesses and also the statement of accused Jalaluddin. I made prayer before the learned CJM, Sonitpur, Tezpur seeking police custody of accused Jalaluddin and the prayer was granted. Accused Jalaluddin during interrogation disclosed that another accused namely Sakil Ahmed was also involved in the incident and informed that Sakil is at Itanagar. I along with Jalaluddin and staff went to Itanagar in search of Sakil Ahmed, but, could not find him. After the police custody period was going to expire and when we were about to bring accused Jalaluddin for production before the learned Magistrate, members of Jonaki Taxi Stand, Tezpur, namely Seikh Nazrul and Abdul Majibur identified accused Jalaluddin to be the person who hired the vehicle driven by victim

*(Signature)*  
*(Sri Jitu Moni Deka)*

Raju @ Santosh. They also informed that another person was with Jalaluddin while taking the vehicle. Immediately, I recorded the statement of both the persons. I also noticed that previously, Seikh Nazrul gave statement before the IO and informed that he can identify the persons who took the vehicle of Santosh on hire. Thereafter, I produced the accused Jalaluddin before the Magistrate and also prayed for conducting TIP. Accordingly, on 07-04-2018 learned JMFC Smti S Garg conducted TIP in connection with the case in Central Jail, Tezpur from 3.30 PM to 3.50 PM. After conducting the TIP learned Magistrate submitted a report of TIP. Again I submitted a prayer before the CJM, Sonitpur, Tezpur seeking further police custody of accused Jalaluddin. As Jalaluddin during investigation confessed that he along with his associate Sakil Ahmed committed the murder of Raju @ Santosh on the way to Badarpur, near Shillong/ Borapani and as he expressed that he can show the place where they committed the crime and threw the dead body of victim Raju, being led by accused Jalaluddin, myself along with team and Jalaluddin proceeded to the place of occurrence situated in the State of Meghalaya. Accused Jalaluddin confessed his involvement in the police station in presence of Sarkari Gaonburha Sri Rajendra Das of Kolibari and Kartik Barman. Rajendra Das and Kartik Barman also accompanied us to the place of occurrence near Borapani/Shillong. After reaching the Borapani, we first enquired with the local police stations i.e. Borapani PS and Mawlai PS as to whether they recorded any Unnatural Death case recently. They reported that no such case registered in the last one year. As Jalaluddin informed that he can show the place of occurrence and the place where they threw the dead body of victim, I submitted a prayer before the local Executive Magistrate to accompany us during the process. Then, one Ms B Pakyntein, MCS, Executive Magistrate, Shillong Town and local police accompanied us to the place of occurrence. We proceeded towards the place of occurrence as led by accused Jalaluddin and he showed a place situated between Borapani PS and Mawlai PS before reaching Shillong where they killed the victim Santosh @ Raju and thrown away the dead body and also the mat of the car. The complete process has been video graphed. I recorded the statement of the witnesses present at that time. We could not recover the dead body as it was a steep mountain and there was river about 2/3 hundred feet below. Moreover the incident took about one year ago. I prepared a search list accordingly. After returning from Shillong, I produced the accused before the learned Magistrate. On the basis of statement of Jalaluddin we court track the location of accused Sakil Ahmed. We could come to know that Sakil is in Bangalore under Chandra Layout PS. Accordingly,

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I along with a team went to Bangalore and with the co-operation of Bangalore police we could find accused Sakil Ahmed i.e. from Skyline Apartment, Bijoyalakshmi Nagar where he was working as Security Guard. We took Sakil into custody. We found some documents from the person of Sakil and accordingly, seized the same by seizure list. I submitted a prayer before the learned CJM, for adding Section 302/201 of IPC in the case. After finding sufficient materials against both the accused, I submitted the charge sheet against them under Section 365/379/201/302 of the IPC.

Ext.3 is the ejahar and Ext.3(2) is the signature of OC, Tezpur PS Ranjit Saikia. Ext.4 is the extract copy of Tezpur PS GD Entry No 1140 dated 28-03-2018 and Ext.4(1) is the signature of Inspector Arun Kr Bora, Tezpur PS. Ext. 5 is the prayer for TIP dated 04-04-2018. Ext.6 is the report of TIP. Ext.1 is the search list dated 11-04-2018 prepared at Mawlai and Ext. 1(3) is my signature. Ext. 2 is the seizure list by which I seized documents and mobile phone from accused Sakil Ahmed at Bangalore and Ext. 2(2) is my signature. Today I have seen the seized articles. M.Ext.1 is the said articles seized by me from accused Sakil Ahmed. Ext.7 is the extract copy of Mawlai PS GD Entry No.14 and 21 dated 11-04-2018 and Ext.7(1) & 7(2) are the signatures of OC, Mawlai PS. Ext.8 is the charge sheet and Ext.8(1) is my signature.

The process of search being conducted in the place of occurrence has been video graphed in presence of Magistrate and police of Shillong and the same is saved in a compact disc which I forwarded to the Court along with the charge sheet. M.Ext.2 is the compact disc which I noticed today in the court. The following is written upon the compact disc "VDO Evidence, Tez PS C/No 790/17 under Section 365/379/302/201 of IPC, (IO Jitu Moni Deka, Tezpur PS)."

The mention of videography is made in the GD Entry in the Mawlai PS also so exhibited. Today the compact disc is displayed in the Courtroom.

I also recorded the statement of the person namely ABC Krishna Borah, official videographer of Tezpur PS.

### **Cross-examination by Defence:**

When the FIR was lodged, the investigation of the case was not endorsed to me. The previous IO, SI Abdul Momin took steps during investigation of the case. He visited the place of occurrence, drew the sketch map of the place of occurrence. The place of occurrence is mentioned as the residence of complainant

Jitu Moni Deka SI

Ainul Haque from where the vehicle left. Ext.A is the sketch map prepared by the previous IO Abdul Momin and Ext. A(1) is the signature of Abdul Momin. On 01-05-2017 the Ext.A was prepared.

I have not prepared the sketch map of the place between Borapani PS and Mawlai PS i.e. the place led by accused Jalaluddin. I have not seized the compact disc by a seizure list. The blank compact disc was available with us. I have reflected the name of the videographer in the charge sheet.

It is not a fact that the process of showing the place of occurrence by accused Jalaluddin never videograph and hence, not seized by any seizure list. The M.Ext.2 was not placed before the CJM formally.

On 29-03-2018, SI Romen Borah produced Jalaluddin before me from Karimganj along with the case diary. After receiving the FIR on 01-05-2017, the previous IO sent WT Message to all concerned and searched for the vehicle and the driver. The previous IO conducted the investigation of the case till 02-06-2017 as revealed from the perusal of case diary.

I recorded the statement of witness Seikh Najrul(PW5) on 02-04-2018 at Tezpur PS. On 04-04-2018 I submitted prayer before Magistrate for conducting the TIP and on 07-04-2018 the TIP was conducted. First I produced Jalaluddin before the Court on 30-03-2018.

It is not a fact that in the police custody the accused was shown to the witness and thereafter I submitted prayer before the Magistrate for conducting the TIP. It is not a fact that the witness of TIP saw the accused in the police lock up.

I have not submitted prayer before the CJM for recording the confessional statement of accused Jalaluddin.

It is not a fact that on 02-04-2018, I showed a photograph of Jalaluddin to witness Seikh Nazrul after calling him at the police station.

It is not a fact that the process of taking accused Jalaluddin to Meghalaya and videography process are not conducted lawfully.

I recorded the statement of witnesses Rajendra Das and Kartik Barman in the police station on 10-04-2018. I recorded the statement of Rupan Ahmed at Bangalore. I have seized the articles of M.Ext.1 for ensuring the identity of accused Sakil Ahmed. I have not collected call detail record of Call made by the Mobile phone seized from Sakil Ahmed.

gta  
momin  
Borah

As per my investigation, the incident of murder took place between Borapani PS and Mawlai PS in the State of Meghalaya. While proceeding to Meghalaya with Jalaluddin the persons who accompanied us were – 1. Krishna Borah videographer, 2. Rajendra Das, Gaonburha 3. Kartik Barman & one UBC from Reserve Police. The staff of Mawlai PS who accompanied us were – 1. Sundar M Changma, Hav. I went down the place where the dead body of Santosh thrown by Jalaluddin. I have prepared search list mentioning the same. I have not mentioned in Ext.1 the exact place I visited i.e. about 2/3 hundred feet down and the location of river. Except the Executive Magistrate, all the members went to the place down the mountain. We could not recover any kind of weapon, used in the commission of crime, clothes of victim or parts of dead body of victim. In Ext.1 I have not mentioned that except Magistrate, we went down the mountain in search of dead body. It was dark when we visited the place led by accused Jalaluddin.

1. Dead body is not found.  
Extra judicial confession.  
Magt. Was not present.  
Video  
Sketch Map - not taken  
Last seen in my daughter's house on 10/5/7

It is not a fact that I never conducted search for recovery of the dead body but, return from the road. It is not a fact that accused Jalaluddin never led us to the place as mentioned in Ext.1. It is not a fact that we forcibly took Jalaluddin to said place and hence, we could not recover the dead body.

The place of occurrence is beside the Guwahati Shillong road and used to remain busy. When we visited the place we noticed many vehicles plying by the road. I have not seized anything from accused Jalaluddin in connection with this case.

It is not a fact that I have prepared the papers of the case in Tezpur. It is not a fact that I took signatures of witnesses on blank papers and later on prepared the papers. It is not a fact that I have not recorded the statement of witness Kartik Barman.

I have not shown the name of Anima Rai as witness in the charge sheet. The previous IO has recorded the statement of Anima Rai during investigation.

The witness Anima Rai did not state before the previous IO that "My husband made the last call at around 8.00 PM from Jurabat. In the early morning I rang my husband, but, the phone was found switch off. I made several attempt and also call the owner of the car. The owner of the car also finding the mobile of my husband in switch off mode, came to my residence to enquire whether my husband has returned. As we could not connect with my husband, we informed the police. After about one year, one driver of Tezpur could identify the car of my husband while going to Shilchar and informed the other driver of Taxi stand. Immediately the police

officer  
Debraj

*was informed, the accused Jalaluddin was apprehended and the car was seized. After some days, police apprehended the accused Sakil from Bangalore".*

The witness Seikh Nazrul did not state before me that "After about one year, one of our colleagues went to Badarpur carrying a official transferred from Tezpur to Badarpur. At Badarpur he noticed the car of Ainul and immediately sent the information to our Taxi Stand".

The witness Seikh Nazrul did not state before me that "he identified the accused Jalaluddin thrice in the jail premises". PW5 did not state before me that on meeting Jalaluddin he questioned why he killed Santosh. PW5 did not state before me that he identified Sakil in the police station.

PW9 stated before me that "On the day of occurrence, he went to Shillong with passengers. At about 7/8 PM he called to us over phone and informed that he is in Jorabat. Thereafter, there is no trace of my son. After about six months one friend of my son noticed the vehicle in Karimganj and informed the police. The owner of the vehicle brought back the vehicle from Karimganj. I went to the police station and noticed accused Jalaluddin. Police trace out the other accused. The other accused told that Jalaluddin stabbed my son nearby Borapani, Meghalaya".

It is not a fact that I did not conducted the investigation properly and it is not a fact that I recorded the statement of witnesses after giving them scope to frame a false case against the accused persons.

R.O. A.C.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

*Shamir  
Dehari*

Assam Schedule VIII, Form No. 93  
High Court Criminal Form No.(M) 83.  
**FORM FOR RECORDING DEPOSITION**

The Deposition of **P.W. 11** in Sessions Case No. **127** of **2018** , Aged about **62** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_ , Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 9<sup>th</sup> day of August, 2019**

My name is Md Abdul Momin  
My husband's/father's name is Late Abdul Moin.  
by caste Muslim,  
I reside at Village – Chakitop,  
PS- Nagaon Dist. – Nagaon, Assam.  
by profession – Retired SI of police,

**On SA**

**Examination-in-chief:**

On 01-05-2017 I was posted as SI of police at Tezpur PS. On that day, one Ainul Haque lodged FIR regarding missing of driver with vehicle. The OC, Tezpur PS registered the FIR and endorsed the same to me for investigation. Accordingly, I visited the place of occurrence and issued WT Message to all the police station of the State. I submitted prayer to the SP for call detail record(CDR) of the phone of the driver. I recorded the statement of witnesses namely Ainul Haque, Kartik Barman, Gulzar Hussain, Monir Ahmed, Jiaul Haque and Anima Rai. The CDR of the phone of victim driver Santosh Rai @ Raju showed the details of calls up to Shillong Road and thereafter the same is found switch off. In the meantime, I retired from service and hence, handed over the case diary to the OC, Tezpur PS.

**Cross-examination by Defence:**

On 01-05-2017 at 11.00 AM, the investigation of the case endorsed to me by the OC. As stated by the complainant and witnesses, the place of occurrence is the residence of complainant and hence, I prepared the sketch map of the place of occurrence showing the resident of complainant. Ext.A is the sketch map. The informant told me that his driver brought the vehicle from his house. I have not shown the place from where the vehicle was taken on hire. The CDR of phone of victim is not in the case diary. I was informed verbally that the call to the phone of victim showed up to the Shillong Road. I have given a note in my case diary that as

*Abdul Momin  
PS 80.*

per CDR of victim, the same is up to Jorabat. I have not collected the call record. I recorded the statement of witnesses at Bhojkhowa and at Taxi Stand, Tezpur. I recorded statement of 7(seven) witnesses, out of whom one is recorded at Taxi Stand i.e. the Secretary of Taxi Stand namely Seikh Najrul. I recorded the statement of Seikh Najrul on 02-06-2017 at Taxi Stand. I retired from service on 31-03-2018. Till my retirement the case diary was under my charge. The investigation of the case did not progress from June,2017 till the date of my retirement.

Witness Anima Rai did not state before me during investigation that *"my husband made the last call at around 8.00 PM from Jurabat. In the early morning I rang my husband, but, the phone was found switch off. I made several attempt and also call the owner of the car. The owner of the car also finding the mobile of my husband in switch off mode, came to my residence to enquire whether my husband has returned. As we could not connect with my husband, we informed the police. After about one year, one driver of Tezpur could identify the car of my husband while going to Shilchar and informed the other driver of Taxi stand. Immediately the police was informed, the accused Jalaluddin was apprehended and the car was seized. After some days, police apprehended the accused Sakil from Bangalore. After arrest of both the accused, I went to police station to see them. The accused Sakil said to me that he has not committed the crime but, Jalaluddin has stabbed my husband from behind and threw the dead body from the mountain between Shillong and Borapani"*, but, she stated before me that her husband left for Shillong and thereafter his phone found in switch off mode.

The PW3 Kartik Barman did not state before me that *"On 29-04-2017 my sister Anima Rai called me over phone and enquired about my location. I told her that I am in Shillong. She then told me that her husband Santosh Rai also went to Shillong, but, has not returned. Santosh Rai went to Shillong driving the car of Ainul Haque(informant). After returning from Shillong and also coming to know that Santosh has not returned with the car, I along with owner of the car namely Ainul Haque informed the police of Tezpur. After around one year one driver of Jonaki Taxi Stand, Tezpur while making a trip to Hailakandi noticed the car driven by Santosh Rai, he took a snap of the car and uploaded in Facebook. I immediately informed the matter to Tezpur PS. The police immediately seized the vehicle at Hailakandi and also apprehended the accused Jalaluddin who is present in the Court today. After about 30/45 days I accompanied the police of Tezpur, accused Jalaluddin and Secretary of our village to a place named Ryndang located between Borapani and Shillong.*

Abdul Mannan  
PS  
SD

*Accused Jalaluddin informed that in that place he threw the dead body of Santosh Rai after killing him. At that time Magistrate of Shillong was also present. Jalaluddin informed that Santosh Rai was strangulated by a "surni"(piece of clothe)."*

The PW5 Seikh Nazrul did not state before me that "after one year of the incident, one of my colleagues went to Badarpur taking an official transferred from Tezpur to Badarpur and noticed the vehicle of Santosh/Ainul. On my visit to Tezpur PS, I noticed Jalaluddin kept handcuffed, regarding identifying accused Jalaluddin inside the jail premise in presence of Magistrate thrice, that police officer Jitu Deka showed me a photograph and I identified the same to be the accomplice of Jalaluddin, that I after meeting Jalaluddin at police station talked with him why he killed Santosh. Then Jalaluddin replied that why I am asking him after everybody had completed the interrogation, that I identified Sakil in the police station and informed the police that he was the person who was with Jalaluddin when the vehicle of Santosh was hired, In my presence, Sakil asked me whether I noticed the black bag carried by Jalaluddin on that day. When I said that I noticed the bag, Sakil told that there was a dagger(Churi) inside the bag. Sakil told that when they crossed Borapani, Jalaluddin with the dagger stabbed Santosh in the neck and pierced the dagger from one side to other side like doing "Halal". Then, Jalaluddin pressed the head of Santosh near the hand brake of the vehicle. There was lot of bleeding inside the vehicle. Then, Jalaluddin asked him to clean the floor of the vehicle and also the knife. Then, he (Sakil) cleans the floor of the vehicle and knife with his shirt. Thereafter, they threw the dead body of Santosh down the mountain". PW5 also did not state before me that accused hired the vehicle on 29-04-2017 but, he stated before me that two Hindi speaking boys hired the vehicle and if produced he can identify them.

The information regarding the incident after one year of occurrence is not applicable in connection with my part of investigation, because prior to that I retired from service.

It is not a fact that the PW5 did not state before me that he can identify the boys who hired the vehicle of victim, if produced before him.

The PW6 Ainul Haque did not state before me that "This year in the month of May, one of my friend whose name is Raju called me over phone and informed that he saw my vehicle at Karimganj and asked me to give my whatApp number. Immediately I gave a number of my friends to which Raju send a photograph of my vehicle. I confirmed the photograph is of my vehicle and I

*Abdul Nazrul  
PW5  
29*

*immediately informed the Tezpur PS. The police of Tezpur informed the Badarpur PS and on the next day informed me that my vehicle has been located and seized by Badarpur police. I with some of my friends and police of Tezpur went to Badarpur. Then, police of Badarpur handed over the vehicle. We with vehicle and Jalauddin came to Tezpur. Police found the vehicle in custody of Jalaluddin at Badarpur. On the next day, Nazrul of Taxi Stand identified the accused Jalaluddin who hired my vehicle on 29-04-2017. Nazrul also told that another person was with Jalaluddin. After about twenty days police informed me that associate of Jalaluddin was also apprehended. I went police station and noticed the another accused namely Sakil. Sakil spoke in Hindi and told me that he did not commit the offence, but, Jalaluddin has stabbed Santosh by a knife like committing "Halal".*

The information regarding the incident after one year of occurrence is not applicable in connection with my part of investigation, because prior to that I retired from service.

It is not a fact that I did not took proper steps in connection with the investigation of this case from 02-06-2017 to 31-03-2018 and thereby resulted in implication of innocent persons in the case.

I am not aware whether informant Ainul Haque lodged another FIR after 01-05-2017 in connection with the incident.

R.O. A.C.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Ainul Haque  
R.O. A.C.

Assam Schedule VIII, Form No. 93  
High Court Criminal Form No.(M) 83.  
**FORM FOR RECORDING DEPOSITION**

The Deposition of **P.W. 12** in Sessions Case No. **127** of **2018**, Aged about **58** years taken in oath of solemn affirmation under provision of the Indian Oaths Act, X of 1878, before me \_\_\_\_\_, Addl Sessions Judge(FTC), Sonitpur, Tezpur.

**this 16<sup>th</sup> day of September, 2019**

My name is Sri Ramen Borah  
My husband's/father's name is Late Minaram Borah.  
by caste Hindu,  
I reside at Village – Moirabari,  
PS- Moirabari Dist. – Morigaon, Assam.  
by profession – 2<sup>nd</sup> officer at Moirabari PS,

**On SA**

**Examination-in-chief:**

On 28-03-2018 I was posted at Tezpur PS. As per the direction of OC, of Tezpur PS and SP, Sonitpur, Tezpur I proceeded to Badarpur in connection with Tezpur PS Case No. 790/17. The IO of the case was otherwise busy in connection with another matter, I was asked to proceed to Badarpur. There was report from Badarpur PS that the vehicle involved in connection with the case and the accused has been found and kept confined in the Badarpur PS. The name of the accused is Md Jalaluddin.

Accordingly, I along with my staff proceed to Badarpur. The vehicle(swift Dzire) was kept in the premise of Badarpur PS. I seized the vehicle being Registration No. AS-07D/9009 with key along with the documents found from the accused Jalaluddin. The documents were R/C, Voters ID of Jalaluddin, one Inner Line permit, one Micromax mobile handset with SIM. After taking custody of accused, I brought him to Tezpur with the seized vehicle and documents. While leaving for Badarpur, one driver accompanied me for bringing the vehicle so recovered. Ext.9 is the seizure list and Ext.9(1) is my signature. After arriving at Tezpur, I handed over the accused and the seized car and documents to the IO of the case.

M.Ext.3, 4 & 5 are the voter ID Card of Jalaluddin, Inner Line Permit in the name of Md Jalaluddin issued by DC, Itanagar and the Micromax mobile handset along with SIM respectively.

*Sri Ramen Borah*

**Cross-examination by Defence:**

I proceed to Badarpur as per the direction of the SP, Sonitpur and the necessary entry is made in the case diary regarding the same. The entry in the case diary is made on 28-03-2018. There is no written command from the SP, Sonitpur, Tezpur. On 28-03-2018, at around 9.00 AM, I proceeded from Tezpur and on the next day morning, I reached Badarpur. Two APbn personnel, two UB constables and one home guard accompanied me to Badarpur. They have got separate Command. I do not know their names. The separate command for the staff is not available in the case diary. At around 7.00 AM on 29-03-2018, I entered Badarpur PS. I have not collected documents from Badarpur PS regarding the steps taken by the said Police station regarding the vehicle so recovered. The car was in the campus of Badarpur PS. I have not made entry in the case diary as to when and from which place the vehicle was recovered. I seized the vehicle from Badarpur PS. I questioned the OC of Badarpur PS regarding the place and manner of seizure of the vehicle, but, I have not recorded the statement of OC, Badarpur PS. The documents so seized by me were at Badarpur PS. I have not taken signatures in the seizure list of the staff who accompanied me.

It is not a fact that the accused Jalaluddin is not connected with the vehicle and documents seized by me at Badarpur PS. It is not a fact that the seizure list so prepared by me is not prepared as per provisions under law.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

Dictated and corrected by me.

Addl Sessions Judge(FTC),  
Sonitpur, Tezpur.

S/1  
Bannan  
Bogga

High Court Criminal Form No. (M) 85.  
FORM FOR RECORDING EXAMINATION OF ACCUSED.  
**Examination of Accused.**

**Sessions Case No. 127 of 2018**

**(Section 313 of the Criminal Procedure Code).**

The examination of accused person u/s 313 Cr.P.C aged about **31** years taken before \_\_\_\_\_, Addl Sessions Judge, FTC, Sonitpur, Tezpur on the **4<sup>th</sup>** day of **October, 2019** in the English language, interpreted by myself from Bengali and Hindi.

My name is: **Md Jalaluddin.**  
My Husband's name is: Md Abdul Gafur  
By caste" : Muslim  
My home is at: Sharilpur  
P.O.- Lamajuar  
Police Station- Badarpur  
District- Karimganj  
I reside at: in custody.  
By occupation:

**Q. No. 1** PW1 he know you. He said that "The incident took place in the year 2017. As a Gaonburha of my village, the police of Tezpur police station in the year 2017 asked me to accompany them to Shillong in connection with the investigation of a murder case. Accordingly, I along with other persons and the accused Jalaluddin went to Shillong. The accused Jalaluddin showed somewhere between Shillong and Maulai Police jurisdiction the place where they committing murder of driver Santosh Rai by strangulating with the help of 'Surni' and throwing the dead body down the mountain."

Have you got anything to say?

**Ans:** It is not a fact

**Q. No. 2** PW1 further said that " Thereafter, we went to the local police station and the local Magistrate was called to the spot. The accused

M.D. Jalaluddin

*Jalaluddin again in presence of Magistrate and local police showed the place where the dead body was thrown. The complete process was video graphed. In presence of the Magistrate and Local police also Jalaluddin narrated how he along with another committed the murder of Driver Santosh Rai. Santosh was driving the vehicle which was hired by the accused Jalaluddin and his associate from Tezpur. Thereafter we went to the Maulai police station and there some papers were prepared and we signed upon the same. Ext.1 is the paper prepared at Maulai police Station and Ext.1 (1) is my signature."*

Have you got anything to say?

**Ans.** It is not a fact

**Q No. 3** PW 3 said that "On 29-04-2017 my sister Anima Rai called me over phone and enquired about my location. I told her that I am in Shillong. She then told me that her husband Santosh Rai also went to Shillong, but, has not returned. Santosh Rai went to Shillong driving the car of Ainul Haque(informant." Do you want to say something in this regard?

**Ans:** It is not a fact

**Q. No 4:** PW3 said that "After around one year one driver of Jonaki Taxi Stand, Tezpur while making a trip to Hailakandi noticed the car driven by Santosh Rai, he took a snap of the car and uploaded in Facebook. I immediately informed the matter to Tezpur PS. The police immediately seized the vehicle at Hailakandi and also apprehended the accused Jalaluddin who is present in the Court today." Do you want to say something?

**Ans:** It is not a fact

**Q. No 5.** PW3 further said "After about 30/45 days I accompanied the police of Tezpur, accused Jalaluddin and Secretary of our village to a place named Ryndang located between Borapani and Shillong. Accused Jalaluddin informed that in that place he threw the dead body of Santosh Rai after killing him. At that time Magistrate of Shillong was also present.

M.D. Jalaluddin

*Jalaluddin informed that Santosh Rai was strangulated by a "surni"(piece of clothe)."*

Have you got anything to say?

**Ans.** It is not a fact

**Q No. 6:** PW 4 said that as follows: *" I know the accused persons. The incident took place on 29-04-2017. My husband used to drive the car of Ainul Haque. The Number of car is 909 (swift Dzire, colour – white). On 29-04-2017 my husband informed me that he is going to Shillong. My husband made the last call at around 8.00 PM from Jurabat. In the early morning I rang my husband, but, the phone was found switch off."*

Have you got anything to say?

**Ans:** It is not a fact

**Q. No 7.** PW4 further said that *" After about one year, one driver of Tezpur could identify the car of my husband while going to Silchar and informed the other driver of Taxi stand. Immediately the police was informed, the accused Jalaluddin was apprehended and the car was seized. After arrest of both the accused, I went to police station to see them. The accused Sakil said to me that he has not committed the crime but, Jalaluddin has stabbed my husband from behind and threw the dead body from the mountain between Shillong and Borapani."*

Have you got anything to say?

**Ans.** It is not a fact

**Q No 8.** PW 5 said that *"I know the accused persons. I knew the deceased Santosh Rai @ Raju. The incident took place on 29-04-2017. On that day during evening hours I was standing at Taxi stand i.e. opposite to Flora Restaurant of Tezpur. I used to give on rent my vehicle (swift). At that moment, both the accused present in the court came to the Taxi Stand in a e-rikshaw. Noticing them they might have come to hire a Taxi, myself and Santosh(deceased) came forward. The accused Jalaluddin told us that they will go to Shillong Nagrim Hospital with a patient. Jalaluddin was talking in Hindi. The other accused was silent. I make query as to where is the patient to be taken to Shillong. But, the accused did not talk*

m.d. Jalaluddin

*much with me, but, bargain with Santosh for the fair. Jalaluddin told Santosh that they will give Rs.4800/- and also provide meal and took away Santosh towards his car. Jalaluddin was carrying a black coloured bag on his back."*

Have you got anything to say?

**Ans:-** It is not a fact

**Q. No 9:** PW5 further said that " *After about one year, one of our colleagues went to Badarpur carrying a official transferred from Tezpur to Badarpur. At Badarpur he noticed the car of Ainul and immediately sent the information to our Taxi Stand. Immediately, we informed the police at Tezpur and police took the initiative to seize the vehicle at Badarpur. Thereafter police with car owner went to Badarpur and brought back the vehicle. After about four days the person who financed Ainul for purchasing the vehicle met me and asked me to accompany him to the police station to see the vehicle so recovered. When I reached police station I noticed Jalaluddin handcuffed by police. I immediately identified the accused Jalauddin who came to hire the vehicle on 29-04-2017 at Taxi Stand."*

Have you got anything to say?

**Ans:** It is not a fact

**Q. No 10:** PW5 said that " *I clarified the police that it is Jalaluddin and another who hired the vehicle on the day of occurrence talked with Jalaluddin in Hindi and he also replied in Hindi. Thereafter on request of police I went to Jail premise and identified Jalaluddin thrice in presence of Magistrate. I identified Sakil immediately being the associate of Jalaluddin when they hired the vehicle of Santosh. In my presence, Sakil asked me whether I noticed the black bag carried by Jalaluddin on that day. When I said that I noticed the bag, Sakil told that there was a dagger(Churi) inside the bag. Sakil told that when they crossed Borapani, Jalauddin with the dagger stabbed Santosh in the neck and pierced the dagger from one side to other side like doing "Halal". Then, Jalaluddin pressed the head of Santosh near the hand brake of the vehicle. There was lot of bleeding inside the vehicle. Then, Jalaluddin asked him to clean*

m.d. Jalaluddin

*the floor of the vehicle and also the knife. Then, he (Sakil) cleans the floor of the vehicle and knife with his shirt. Thereafter, they threw the dead body of Santosh down the mountain."*

Have you got anything to say?

**Ans.** It is not a fact

**Q No 11.** PW 6 said that, *"I am the informant. I know the accused persons. I knew the deceased Santosh Rai @ Raju. The incident took place on 29-04-2017. Santosh Rai used to drive my vehicle No AS-07D/9009(swift Dzire). On that day during evening hours, he over phone informed that he is going to Shillong for a work. Till 10.00 PM he was in contact with me. In the morning I found his phone switch off. Suspecting something wrong, I informed all my friends and relatives. I also asked the family member of Santosh. On 01-05-2017 I lodged an FIR. We searched for the vehicle and Santosh, but, could not succeed."*

Have you got anything to say?

**Ans:** It is not a fact

**Q. No 12:** PW6 further said that, *" This year in the month of May, one of my friend whose name is Raju called me over phone and informed that he saw my vehicle at Karimganj and asked me to give my whatApp number. Immediately I gave a number of my friends to which Raju send a photograph of my vehicle. I confirmed the photograph is of my vehicle and I immediately informed the Tezpur PS. The police of Tezpur informed the Badarpur PS and on the next day informed me that my vehicle has been located and seized by Badarpur police. We with vehicle and Jalauddin came to Tezpur. Police found the vehicle in custody of Jalaluddin at Badarpur. On the next day, Nazrul of Taxi Stand identified the accused Jalaluddin who hired my vehicle on 29-04-2017. Nazrul also told that another person was with Jalaluddin. After about twenty days police informed me that associate of Jalaluddin as also apprehended. I went police station and noticed the another accused namely Sakil. Sakil spoke in Hindi and told me that he did not commit the offence, but, Jalaluddin has stabbed Santosh by a knife like committing "Halal". They committed the murder after crossing Borapani, Meghalaya and threw away the dead body from above the mountain."*

m.i.d. Borapani. uddiliza

Have you got anything to say?

**Ans.** It is not a fact

**Q No.13 :** PW 7 said that, "I know accused Jalaluddin. On the day of occurrence, I was available in the Jonaki Taxi Stand, Tezpur Town. I noticed that Jalaluddin was talking with Santosh regarding hiring the vehicle. I also noticed that our colleague also went forward and started bargaining with the accused regarding fair of the vehicle.

After two/three days, I came to know that Santosh has not returned with the vehicle. After many days, one of our colleagues noticed the vehicle of Ainul somewhere at Shilchar and sent the photograph and thereafter, Ainul informed the matter to police. Police with Ainul went to Shilchar brought the vehicle with Jalaluddin. After some days, police asked me to come to police station and accordingly I went there and informed the police that I noticed accused Jalaluddin talking with deceased Santosh from a distance. I also said to police that Nazrul also talked with the accused on the day of occurrence. Nazrul told the police that another person was also with Jalaluddin. Lateron, I came to know that police went to Shillong with Jalaluddin, but, could not recover the dead body of Santosh'

Have you got anything to say?

**Ans.** - It is not a fact

**Q No.14 :** PW 8 said that, "After about nine months, the vehicle as found at Karimganj. My brother with police went to Karimganj and brought back the vehicle. The vehicle was Swift Dzire. Police apprehended Jalaluddin with the vehicle."

Have you got anything to say?

**Ans.** . It is not a fact

**Q No. 15** PW 9 said that, "Deceased Santosh Rai is my son. I know the accused persons. The incident occurred in the last year in the month of 'Jeth'(Assamese Calendar) one Saturday. My son used to drive the vehicle of Ainul. On the day of occurrence, he went to Shillong with passengers. At about 7/8 PM he called to us over phone and informed

Mr. Jalal. redline

that he is in Jorabat. Thereafter, there is no trace of my son. After about six months one friend of my son noticed the vehicle in Karimganj and informed the police. The owner of the vehicle brought back the vehicle from Karimganj. I went to the police station and noticed accused Jalaluddin. Police trace out the other accused. The other accused told that Jalaluddin stabbed my son nearby Borapani, Meghalaya. Till date, the dead body of my son could not be traced out."

Have you got anything to say?

**Ans.** - It is not a fact

**Q No 16:** PW 10 said that " I made prayer before the learned CJM, Sonitpur, Tezpur seeking police custody of accused Jalaluddin and the prayer was granted. Accused Jalaluddin during interrogation disclosed that another accused namely Sakil Ahmed was also involved in the incident and informed that Sakil is at Itanagar. I along with Jalaluddin and staff went to Itanagar in search of Sakil Ahmed, but, could not find him. After the police custody period was going to expire and when we were about to bring accused Jalaluddin for production before the learned Magistrate, members of Jonaki Taxi Stand, Tezpur, namely Seikh Nazrul and Abdul Majibur identified accused Jalaluddin to be the person who hired the vehicle driven by victim Raju @ Santosh. They also informed that another person was with Jalaluddin while taking the vehicle."

Have you got anything to say ?

**Ans:** It is not a fact

**Q. No 17:** PW10 further said that, "On 07-04-2018 learned JMFC Smti S Garg conducted TIP in connection with the case in Central Jail, Tezpur from 3.30 PM to 3.50 PM. As Jalaluddin during investigation confessed that he along with his associate Sakil Ahmed committed the murder of Raju @ Santosh on the way to Badarpur, near Shillong/ Borapani and as he expressed that he can show the place where they committed the crime and threw the dead body of victim Raju, being led by accused Jalaluddin, myself along with team and Jalaluddin proceeded to the place of occurrence situated in the State of Meghalaya. Accused Jalaluddin confessed his involvement in the police station in presence of

M. D. - Jalaluddin

*Sarkari Gaonburha Sri Rajendra Das of Kolibari and Kartik Barman. Rajendra Das and Kartik Barman also accompanied us to the place of occurrence near Borapani/Shillong. After reaching the Borapani, we first enquired with the local police stations i.e. Borapani PS and Mawlai PS as to whether they recorded any Unnatural Death case recently. They reported that no such case registered in the last one year. As Jalaluddin informed that he can show the place of occurrence and the place where they threw the dead body of victim, I submitted a prayer before the local Executive Magistrate to accompany us during the process. Then, one Ms B Pakyntein, MCS, Executive Magistrate, Shillong Town and local police accompanied us to the place of occurrence."*

Have you got anything to say?

**Ans:** - It is not a fact

**Q. No 18:** PW10 further said, "We proceeded towards the place of occurrence as led by accused Jalauddin and he showed a place situated between Borapani PS and Mawlai PS before reaching Shillong where they killed the victim Santosh @ Raju and thrown away the dead body and also the mat of the car. The complete process has been video graphed. We could not recover the dead body as it was a steep mountain and there was river about 2/3 hundred feet below. On the basis of statement of Jalaluddin we court track the location of accused Sakil Ahmed. We could come to know that Sakil is in Bangalore under Chandra Layout PS.

The process of search being conducted in the place of occurrence has been video graphed in presence of Magistrate and police of Shillong and the same is saved in a compact disc which I forwarded to the Court along with the charge sheet. M.Ext.2 is the compact disc which I noticed today in the court. The following is written upon the compact disc "VDO Evidence, Tez PS C/No 790/17 under Section 365/379/302/201 of IPC, (IO Jitu Moni Deka, Tezpur PS)."

The mention of videography is made in the GD Entry in the Mawlai PS also so exhibited. Today the compact disc is displayed in the Courtroom

Have you got anything to say?

M.D. J. Sakil. Uddhar

**Ans.** It is not a fact.

**Q No 19.** PW 12 said that, " On 28-03-2018 I was posted at Tezpur PS. As per the direction of OC, of Tezpur PS and SP, Sonitpur, Tezpur I proceeded to Badarpur in connection with Tezpur PS Case No. 790/17. The IO of the case was otherwise busy in connection with another matter, I was asked to proceed to Badarpur. There was report from Badarpur PS that the vehicle involved in connection with the case and the accused has been found and kept confined in the Badarpur PS. The name of the accused is Md Jalaluddin."

Accordingly, I along with my staff proceed to Badarpur. The vehicle(swift Dzire) was kept in the premise of Badarpur PS. I seized the vehicle being Registration No. AS-07D/9009 with key along with the documents found from the accused Jalaluddin. The documents were R/C, Voters ID of Jalaluddin, one Inner Line permit, one Micromax mobile handset with SIM. After taking custody of accused, I brought him to Tezpur with the seized vehicle and documents. Ext.9 is the seizure list. M.Ext.3, 4 & 5 are the voter ID Card of Jalaluddin, Inner Line Permit in the name of Md Jalaluddin issued by DC, Itanagar and the Micromax mobile handset along with SIM respectively.

Have you got anything to say?

**Ans.** It is not a fact.

**Q No. 20** Would you like to say something in the case?

**Ans.** I am innocent. Police of Bhangabazar police Out Post pick me up from the bazaar and brought to Badarpur Police Station saying that there is a case. Without saying anything they put me inside the lockup. On the next day, police of Tezpur brought me to Tezpur. Jitumoni Deka(police) told me that I have case against me relating to vehicle theft. But, I replied that I never committed theft of vehicle nor I came to Tezpur.

Police called one person to the lockup and asked him to see me properly. After five minutes again, the said person came and identified himself as Nazrul and said that he should know him. From there they sent me to jail. After 5(five) days said person came inside jail and touched me

M.D. Jalaluddin

NO explanation  
MS-106

thrice. After 14 days, the police took me on police remand. In the remand period police tortured me police sprayed a medicine on my urinal track. I became somewhat unconscious. On the way to Shillong, the police threatened me to say as per their direction. Else on return they will kill me. About 7 kms away from Badarpur, police asked me to raise my hand without saying anything. Thereafter, police brought me.

Accused Shakil is my relative. There is no criminal record of mine. Without any reason I have been implicated in the case.

**Q.NO. 21** Would you like to adduce defence evidence?

**Ans.** No.

*m.D. Jadal. uddin*

(Signature mark of the accused)

(Signature of Sessions Judge, F.T.C.)  
*Adl. Sessions Judge, F.T.C.*  
*Sonitpur, Tezpur*

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

(Signature of Sessions Judge)

*Sonitpur, Tezpur*  
*Adl. Sessions Judge, F.T.C.*  
*Sonitpur, Tezpur*

High Court Criminal Form No. (M) 85.  
FORM FOR RECORDING EXAMINATION OF ACCUSED.  
**Examination of Accused.**

**Sessions Case No. 127 of 2018**

**(Section 313 of the Criminal Procedure Code).**

The examination of accused person u/s 313 Cr.P.C aged about **23** years taken before \_\_\_\_\_, Addl Sessions Judge, FTC, Sonitpur, Tezpur on the **4<sup>th</sup>** day of **October, 2019** in the English language, interpreted by myself from Bengali and Hindi language.

My name is: **Md Shakil Ahmed.**  
My Husband's name is: Md Abdul Salam  
By caste": Muslim  
My home is at: Lamajuar, Bhanga P.O.-  
Police Station- Badarpur  
District- Karimganj  
I reside at: in custody  
By occupation:

Shakil Ahmed

**Q. No. 1** PW1 said that , "As a Gaonburha of my village, the police of Tezpur police station in the year 2017 asked me to accompany them to Shillong in connection with the investigation of a murder case. Accordingly, I along with other persons and the accused Jalaluddin went to Shillong. The accused Jalaluddin showed somewhere between Shillong and Maulai Police jurisdiction the place where they committing murder of driver Santosh Rai by strangulating with the help of 'Surni' and throwing the dead body down the mountain."

Have you got anything to say?

**Ans.** It is not a fact

**Q. No 2:** **PW 2** stated that, " I know accused Sakil Ahmed. I do not know the other accused present in the dock. The incident took place about 5/6 months ago.4/5 months ago I was serving at Bangalore as

Security Guard in a private company. Sakil during that time called me over phone and make a query whether he can get any employment at Bangalore, then, I informed him that he can get Security Guard at Bangalore. Sakil went to Bangalore and joined as a Security Guard. After 8/10 days, one day at around 8.00 PM, police of Bangalore apprehended Sakil. Police also took me with Sakil to Police station and after interrogation released me, but, Sakil was sent to jail. Police apprehended me because they found my phone number in the record of the phone of Sakil. I came to know that Sakil was arrested in connection with a murder case.

I signed in the seizure list by which police seized the mobile of Sakil. Ext.2 is the seizure list and ext. 2(1) is my signature."

Have you got anything to say?

**Ans.** It is not a fact

**Q No. 3** PW 3 said that, "I know the accused persons present in the dock. I also know the informant of this case. The incident took place about one year ago. After around one year one driver of Jonaki Taxi Stand, Tezpur while making a trip to Hailakandi noticed the car driven by Santosh Raj, he took a snap of the car and uploaded in Facebook. I immediately informed the matter to Tezpur PS. The police immediately seized the vehicle at Hailakandi and also apprehended the accused Jalaluddin who is present in the Court today.

I also came to know that one Sakil was also involved in the crime and later on, police arrested Sakil from Bangalore.

Have you got anything to say?

**Ans.** It is not a fact

**Q No. 4** PW 4 said that, "I know the accused persons. The incident took place on 29-04-2017. My husband used to drive the car of Ainul Haque. The Number of car is 909(swift Dzire, colour - white). On 29-04-2017 my husband informed me that he is going to Shillong. My husband made the last call at around 8.00 PM from Jurabat. In the early

Shakil Ahmed

morning I rang my husband, but, the phone was found switch off. I made several attempt and also call the owner of the car."

Have you got anything to say?

**Ans:** . It is not a fact

**Q. No 5:** PW4 further said, " After about one year, one driver of Tezpur could identify the car of my husband while going to Shilchar and informed the other driver of Taxi stand. Immediately the police was informed, the accused Jalaluddin was apprehended and the car was seized. After some days, police apprehended the accused Sakil from Bangalore. After arrest of both the accused, I went to police station to see them. The accused Sakil said to me that he has not committed the crime but, Jalaluddin has stabbed my husband from behind and threw the dead body from the mountain between Shillong and Borapani."

Have you got anything to say?

**Ans.** It is not a fact.

**Q No 6.** PW 5 said, "I know the accused persons. I knew the deceased Santosh Rai @ Raju. The incident took place on 29-04-2017. On that day during evening hours I was standing at Taxi stand i.e. opposite to Flora Restaurant of Tezpur. I used to give on rent my vehicle(swift). At that moment, both the accused present in the court came to the Taxi Stand in a e-rikshaw. Noticing them they might have come to hire a Taxi, myself and Santosh(deceased) came forward. The accused Jalaluddin told us that they will go to Shillong Nagrim Hospital with a patient. Jalaluddin was talking in Hindi. The other accused was silent. I make query as to where is the patient to be taken to Shillong. But, the accused did not talk much with me, but, bargain with Santosh for the fair. Jalaluddin told Santosh that they will give Rs.4800/- and also provide meal and took away Santosh towards his car. Jalaluddin was carrying a black coloured bag on his back."

Have you got anything to say?

**Ans:** . It is not a fact

Sakil Ahmed

**Q. No 7 :** The PW5 further said, "After about one year, one of our colleagues went to Badarpur carrying a official transferred from Tezpur to Badarpur. At Badarpur he noticed the car of Ainul and immediately sent the information to our Taxi Stand. Immediately, we informed the police at Tezpur and police took the initiative to seize the vehicle at Badarpur. Thereafter police with car owner went to Badarpur and brought back the vehicle. After some days, the police of Tezpur PS namely Jitu Deka showed me a photograph in his mobile and asked me whether I can identify the same. I told the police officer that this is the photograph of the associate of Jalaluddin who was present when the vehicle was taken on hire. But, he was not talking. After some days police called me to the police station. There I noticed another accused namely Sakil. Police told me that they apprehended Sakil from Bangalore. I identified Sakil immediately being the associate of Jalaluddin when they hired the vehicle of Santosh. In my presence, Sakil asked me whether I noticed the black bag carried by Jalaluddin on that day. When I said that I noticed the bag, Sakil told that there was a dagger(Churi) inside the bag. Sakil told that when they crossed Borapani, Jalaluddin with the dagger stabbed Santosh in the neck and pierced the dagger from one side to other side like doing "Halal". Then, Jalaluddin pressed the head of Santosh near the hand brake of the vehicle. There was lot of bleeding inside the vehicle. Then, Jalaluddin asked him to clean the floor of the vehicle and also the knife. Then, he (Sakil) cleaned the floor of the vehicle and knife with his shirt. Thereafter, they threw the dead body of Santosh down the mountain."

Have you got anything to say?

**Ans. .** It is not a fact

**Q No 8.** **PW 6** said, "I am the informant. I know the accused persons. I knew the deceased Santosh Rai @ Raju. The incident took place on 29-04-2017. Santosh Rai used to drive my vehicle No AS-07D/9009(swift Dzire). On that day during evening hours, he over phone informed that he is going to Shillong for a work. In the morning I found his phone switch off. Suspecting something wrong, I informed all my friends and relatives. On 01-05-2017 I lodged an FIR. This year in the

Sakil Ahmed

month of May, one of my friend whose name is Raju called me over phone and informed that he saw my vehicle at Karimganj and asked me to give my whatApp number. Immediately I gave a number of my friends to which Raju send a photograph of my vehicle. I confirmed the photograph is of my vehicle and I immediately informed the Tezpur PS. The police of Tezpur informed the Badarpur PS and on the next day informed me that my vehicle has been located and seized by Badarpur police. I with some of my friends and police of Tezpur went to Badarpur. Then, police of Badarpur handed over the vehicle. We with vehicle and Jalauddin came to Tezpur."

Have you got anything to say?

**Ans:** It is not a fact

**Q. No.9:** PW6 futher said, "After about twenty days police informed me that associate of Jalaluddin also apprehended. I went police station and noticed theanother accused namely Sakil. Sakil spoke in Hindi and told me that he did not commit the offence, but, Jalaluddin has stabbed Santosh by a knife like committing "Halal". They committed the murder after crossing Borapani, Meghalaya and threw away the dead body from above the mountain."

Have you got anything to say?

**Ans.** It is not a fact

**Q No. 10:** PW 7 said, "I know the informant. I also know the deceased Santosh @ Raju. I know accused Jalaluddin. On the day of occurrence, I was available in the Jonaki Taxi Stand, Tezpur Town. I noticed that Jalaluddin was talking with Santosh regarding hiring the vehicle. I also noticed that our colleague also went forward and started bargaining with the accused regarding fair of the vehicle. After sometime, Santosh with accused left the place by driving the vehicle. On query Nazrul told me that Santosh has left for Shillong dropping.

After two/three days, I came to know that Santosh has not returned with the vehicle. Ainul also informed that the vehicle and driver is missing. After many days, one of our colleagues noticed the vehicle of

Sakil Ahmed

*Ainul somewhere at Shilchar and sent the photograph and thereafter, Ainul informed the matter to police. Police with Ainul went to Shilchar brought the vehicle with Jalaluddin".*

Have you got anything to say?

**Ans.** It is not a fact

**Q No 11:** **PW 8** said, "*Informant is my brother. I know the accused persons. I also know the deceased Santosh Rai. The incident took place on 29-04-2017 at about 5.00 PM. Raju @ Santosh Rai used to drive the vehicle of my brother. On 29-04-2017, Santosh went to Shillong with the vehicle, but, did not return thereafter. My brother informed the fact to me and asked me to informed all my friends and relatives by WhatsApp and Facebook. After about nine months, the vehicle as found at Karimganj. My brother with police went to Karimganj and brought back the vehicle. The vehicle was Swift Dzire" .*

Have you got anything to say?

**Ans.** It is not a fact

**Q No12.** **PW 9** said, "*I know the informant. Deceased Santosh Rai is my son. I know the accused persons. The incident occurred in the last year in the month of 'Jeth'(Assamese Calendar) one Saturday. My son used to drive the vehicle of Ainul. On the day of occurrence, he went to Shillong with passengers. At about 7/8 PM he called to us over phone and informed that he is in Jorabat. Thereafter, there is no trace of my son. After about six months one friend of my son noticed the vehicle in Karimganj and informed the police. The owner of the vehicle brought back the vehicle from Karimganj. I went to the police station and noticed accused Jalaluddin. Police trace out the other accused. The other accused told that Jalaluddin stabbed my son nearby Borapani, Meghalaya. Till date, the dead body of my son could not be traced out."*

Have you got anything to say?

**Ans.** It is not a fact

Shakil Ahmed

**Q No 13.** PW 10 said, " Accused Jalaluddin during interrogation disclosed that another accused namely Sakil Ahmed was also involved in the incident and informed that Sakil is at Itanagar. I along with Jalaluddin and staff went to Itanagar in search of Sakil Ahmed, but, could not find him."

Do you want to say something in this regard?

**Ans:** It is not a fact

**Q. No 14.** PW10 further said, "As Jalaluddin during investigation confessed that he along with his associate Sakil Ahmed committed the murder of Raju @ Santosh on the way to Badarpur, near Shillong/ Borapani and as he expressed that he can show the place where they committed the crime and threw the dead body of victim Raju, being led by accused Jalaluddin, myself along with team and Jalaluddin proceeded to the place of occurrence situated in the State of Meghalaya". The PW10 said, "On the basis of statement of Jalaluddin we court track the location of accused Sakil Ahmed. We could come to know that Sakil is in Bangalore under Chandra Layout PS. Accordingly, I along with a team went to Bangalore and with the co-operation of Bangalore police we could find accused Sakil Ahmed i.e. from Skyline Apartment, Bijoyalakshmi Nagar where he was working as Security Guard. We took Sakil into custody. We found some documents from the person of Sakil and accordingly, seized the same by seizure list".

" Ext. 2 is the seizure list by which I seized documents and mobile phone from accused Sakil Ahmed at Bangalore and Ext. 2(2) is my signature. Today I have seen the seized articles. M.Ext.1 is the said articles seized by me from accused Sakil Ahmed."

Have you got anything to say?

**Ans.** It is not a fact

**Q No. 15** Would you like to say something in the case?

**Ans.** I am innocent. Police came to meet me at Bangalore and questioned me why I came from Arunachal Pradesh. I told that my shop in Arunachal destroyed during eviction. Then I went to Mumbai and due

Sakil Ahmed

to that I came to Bangalore. I told police that I never fled away. Police asked me to take them to Shillong, but, I told police that I do not know anything. In the police station police tortured me. I told that I am not involved in the murder. They tortured me but, did not take me to Shillong.

I have no record for committing any criminal offence till date.

**Q.No. 16** Would you like to adduce defence evidence?

**Ans.** No.

*Shakil Ahmed*

(Signature mark of the accused)

(Signature of Sessions Judge, F.T.C.)  
Addl. Sessions Judge, F.T.C.  
Sonitpur, Tezpur

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

(Signature of Sessions Judge)  
Addl. Sessions Judge, F.T.C.  
Sonitpur, Tezpur  
Sonitpur, Tezpur

Ex. No. 1  
 Session Case No. 127/18  
 Date.....  
 Sd/- Illegible  
 Addl. Dist. & Session Judge  
 FTC, Tezpur

Ex 1  
 17.7.18

**Search List**

Ref: Tezpur PS C/No. 790/17 U/s 365/379 IPC  
 and Mawlai P.S. GDE No. 14 dtd. 11/04/2018

I the undersigned do here by search the P.O. (killing spot), i.e. Ryndang, Briew on being led by the arrested accused Md. Jalaluddin (28 yrs), S/o- Md. Abdul Gabbar of Vill.- Sheralipur, PS- Badarpur, Dist. Karimganj in connection with the Tezpur P.S. C/No. 790/17 U/s- 365/379 IPC in presence of the following witnesses.

During the search of the place all efforts have been made to trace out the remains of the dead body but no clue has been found.

**Description of the P.O.:**

Ryndang Briew, P.S.: Mawlai, Dist.- East-Khasi Hills

**Coordinates:**

25.651896, 91.899475 situated at a distance of 5 KMs from the Mawlai Police Station.

**Sign of witness:**

1) Sd/- Sundor M. Sangma (35)  
 S/o- Mr. Bestar Sangma  
 Of Mawlai Police Station

2) Sd/- Kartik Barman (40 y)  
 S/o- Lt. Nabin Barman  
 Of Nepali Patty, Tezpur P.S.  
 7576903792

Ex. No. 1(2)  
 Case No.....  
 Date- 2.11.18  
 Sd/- Illegible  
 Addl. Dist. & Session Judge  
 FTC, Tezpur

3) Sd/- Sri Rajendra Das (50 yrs)  
(1 No. Lat Gaonburha,  
Kalibari Suk)  
S/o- Siramoni Das  
Of Vill.- New Kalibari  
P.S. & Dist.- Tezpur  
C/No. 9706626854

*Ex. 1(1)*  
*Sd/- Illegible*  
*17.7.18*

*Ex. No. 1(3)*  
*Session Case No. 127/18*  
*Date- 27/2/19*  
*Sd/- Illegible*  
*Addl. Dist. & Session Judge*  
*FTC, Tezpur*

Search made by me  
Sd/- Jitumoni Deka  
C/ Ryndangbrew  
P.S. Mawlai  
East Khasi Hills  
11/4/18  
Time: 6:51 PM

Ex. No. 2  
Case No. Sess 127/18  
Date- 27.8.10  
Sd/- Illegible  
Addl. Dist. & Session Judge  
FTC, Tezpur

Tezpur Police Station  
Dist. Sonitpur, Assam

Seen  
Sd/- Illegible  
Chief Judicial Magistrate  
Sonitpur, Tezpur  
29/4/18

**Seizure List**

M.R. No. 143/18

Ref: Tezpur PS C/No. 790/17 u/s 365/379 I.P.C.

I the undersigned do here by seize the below noted articles on being produced by Md. Shakil Ahmed (20) S/o- Md. Abdul Salam, of Vill.- Badarpur, Bhanga Bazar, Lamajuwan, PS- Badarpur, Karimganj, Assam in connection with above noted case reference and in presence of the below signed witnesses.

Date & time of seizure: On 25/4/18 at 11 PM at Chandralay Out, Skyline Apartment, Bangalore.

Description of seizure:

- (1) One PAN card vide – BVEPA1809E in the name of Shakil Ahmed, S/o- Abdus Salam.
- (2) One voter ID card in the name of Shakil Ahmed, S/o- Abdus Salam, Vill.- Lamajur, Badarpur P.S., Dist. Karimganj issued by Electoral Registration Officer on 05/9/2015.
- (3) One Adhar Card vide No. 813771530033, in the name of Shahil Ahmed, D/O/B 9/8/96
- (4) One black colour VIVO V7 phone vide 8638733422 (JIO) 9774781260 (Vodaphone) vide IMEI No. 866946038420557 and 866946038420540.

Sign of witness:

- 1) Sd/- Rupan Ahmed (20 y)  
S/o- Md. Abdul Malik  
Of Bhanga, Kanasash  
P.S. Badarpur  
Karimganj  
P. 8861400261

*Ex. No. 2(1)*  
*Case No. Sess 127/18*  
*Date- 27.8.17*  
*Sd/- Illegible*  
*Addl. Dist. & Session Judge*  
*FTC, Tezpur*

- 2) Sd/- Mahibur Rahman @ Monan (19 y)  
S/o- Md. Ataur Rahman  
Of Vill.- Chandushni Kuna  
P.S. Karimganj  
(...page torn)774371828

*Ex. No. 2(2)*  
*Session Case No. 127/18*  
*Date- 27.2.19*  
*Sd/- Illegible*  
*Addl. Dist. & Session Judge*  
*FTC, Tezpur*

Seized by  
Sd/- Jitumoni Deka, SI  
25/4/18  
Camp Skyline City Apartment  
Banglore  
Chandralayout  
PS

*Ex. No. 4*  
*Session Case No. 127/18*  
*Date- 27/2/19*  
*Sd/- Illegible*  
*Addl. Dist. & Session Judge*  
*FTC, Tezpur*

**Copy of Tezpur PS GDE No. 1140 Dt. 28/3/18**

9:10 P.M.  
 S.I. with Staff started  
 off

Now, as per the instruction of S.P.(S), I, S.I. Ramen Borah, along with staff UBC Babul Kalita, H.G. Rupam Daimary and G.H. Pabitra Borah, have started off to Badarpur Police Station in order to bring the car and the accused in connection with Tezpur P.S. case No. 790/17 u/s 365/379 IPC.

*Ex. No. 4(1)*  
*Session Case No. 127/18*  
*Date- 27/2/19*  
*Sd/- Illegible*  
*Addl. Dist. & Session Judge*  
*FTC, Tezpur*

Sd/- Arun Kr. Borah  
 Inspector  
 Tezpur PS  
 Dtd. 28/3/18

Certified to be true copy of G.D.E.

*Sd/- Illegible*  
 28/3/18  
 Inspector of Police  
 O.C. Tezpur P.S.  
 Dist.- Sonitpur  
 Officer In-Charge  
 Tezpur Police Station

Ex. No. 5  
 Case No... ..  
 Date- 27/2/19  
 Sd/- Illegible  
 Addl. Dist. & Session Judge  
 FTC, Tezpur

Seal of  
 Tezpur Police Station  
 Dist. Sonitpur (Assam)

Seen  
 Sd/- Illegible  
 Chief Judicial Magistrate  
 Sonitpur, Tezpur  
 6/4/18

To,

The Hon'ble Chief Judicial Magistrate  
 Sonitpur Court  
 Dt. 4/4/18  
 (Through P.I. Tezpur Court)

Ref: Tezpur P.S. C/No. 790/17 U/s 365/379 I.P.C.

Sub: Prayer for pass an order to initiate T.I.P. to identify the accused.

Sir,

I have the honour to report that in connection with above noted case No. various witnesses were examined at P.S. and one witness had identified the accused who is in jail custody now. During the commission of the crime the witness was also present and had a conversation with the same on 29/4/17 evening at Tezpur Junali taxi stand.

Therefore a order may kindly be passed to hold a T.I.P. at Dist. Jail in front of authorized magistrate for the greater interest of the investigation process.

Submitted for favour of your kind perusal.

Enclosed:

Statement copy of witness

Md. Saikh Nazrul (61 y)

S/o- Lt. Nurmahammad

Of Hatipilkhan

Near Anirudha Hotel

P.S. Tezpur, Assam, and

Yours faithfully,  
Sd/- Jitumoni Deka, SI  
Tezpur P.S.  
4/4/18

Ex. No. 6  
 Case No.....  
 Date- 27/2/19  
 Sd/- Illegible  
 Addl. Dist. & Session Judge  
 FTC, Tezpur

### IDENTIFICATION OF SUSPECT

Assam Schedule XL(A), (Part I) Form No. 146 Referred to in Rule 195 of APM Part V.  
 Ref.- Tezpur P.S. Case No. 790/17 u/s 365/379 IPC, (GR Case No. 1537/17)

(1) Date & time of conducting the Identification

**7/4/18 3.30 PM to 3.50 PM**

(2) Place where Identification is made.

**Central Jail, Tezpur**

(3) Names of identifying witnesses with note as to which suspects were identified by each witness.

**Sheikh Nazrul (victim)**

(4) Names of the suspect.

**Jalaluddin**

(5) Place where the suspects was detained or kept before he was brought out for identification.

**Central Jail, Tezpur**

(6) Description of the manner in which the identification was effected.

**15 persons of similar age, built and height made to stand in two rows along with the accused. Including the suspect/accused a total of 8 in one row and seven in another ie, 8 in right row and 7 in left row.**

**1<sup>st</sup> Attempt:-** Two horizontal rows, suspect placed in third position of right row. Victim promptly identified the suspect by touching his body.

**2<sup>nd</sup> Attempt:-** Two horizontal rows suspect placed in second position of left row, dress changed, sandal changed. Victim identified the suspect by touching his body.

**3<sup>rd</sup> Attempt:-** Two horizontal rows, position changed and re-shuffled, dress changed, suspect placed in left row, fifth position. Victim identified the suspect by touching his body.

**Before each attempt the victim was kept out of view of the suspect. No police officer including I/O took part in the identification proceedings.**

**Identification:- Prompt & successful.**

(7) Name of witnesses in whose presence the identification was effected.

(8) Remarks and signature of the Investigating Officer.

**I, the undersigned took all necessary precautions and I am satisfied that no police officer was present at any time of the proceeding when the parade was held. No opportunity was given to the victim to see the proceeding of the identification parade.**

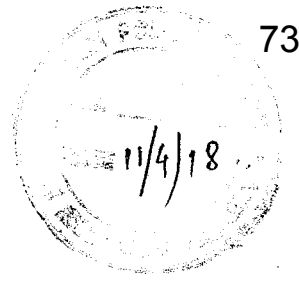
Sd/- Illegible

7/4/18

(1) Sd/- Illegible  
07/04/18  
Tonseny Phukan  
Asstt Jailor  
Central Jail Tezpur

(2) Sd/- Illegible  
7/4/18  
(Dilip Kr. Baro)  
Asstt. Inspector  
Central Jail, Tezpur

*Sd/- Illegible*  
*7/4/18*  
*Judicial Magistrate*  
*1<sup>st</sup> Class, Tezpur*



7  
127/18  
27/2/19  
Advt. Dist. & Session Judge  
FTC, Tezpur

Extract Copy of Mawlai P.S  
GDE.NO 14 Dated 11/4/2018

5:00PM  
SI & Staff  
appeared &  
Note

Now SI Jitu Moni Deka ( Phone 8761833833), along with OPS Team from Tezpur S.P Office Police ( Assam) appeared at the P.S and produced the accused person Shri. Jalal Uddin ( 28 Yrs) S/o Shek Abdul Gaffar R/o Sharilipur Assam of Tezpur P.S Case 790/17 U/S 365 /379 IPC and verbally reported that as per the statement of the said accused person the P.O of this instant case is at Mawiong rim, where the victim of this case (L) Santosh Rai was reportedly murdered in the month of April 2017 and his dead body thrown/dumped there. So, he requested to depute staffs to accompany him to D.C Office for submitting of requisition to depute a Magistrate for Re-Construction of the P.O in connection with the instant case. Accordingly H/C I. Lyngdoh Ct/1072 S.M.Sangma and staffs are deputed with n/l to accompany them to D.C Office, Shillong for taking along the said accused person. Further it is to be noted here that on his request P.S records was checked to ascertain / confirm whether there is any U.D case or regular cases registered at the P.S where in the unknown dead body was recovered from the said P.O, on checking from the reported date of occurrence till date no any such case records is found. Hence entry made for future reference.

certified to be the  
true copy of Mawlai  
P.S GDE no. 14 dt 11/4/18

7(1)  
127/18  
27/2/19  
Advt. Dist. & Session Judge  
FTC, Tezpur

Extract Copy of Mawlai P.S  
GDE.NO 21 Dated 11/4/2018

8: 20 PM  
Deputed SI &  
Staff returned  
& Report.

Ref Mawlai P.S GDE. No 14 of the dated. Now SI J.M.Deka & Tezpur P.S along with H/C I.Lyngdoh ,Ct 1072 S. M.Sangma of this P.S and his team returned back to the P.S and reported that during investigation in connection with Tezpur P.S Case 790/17 U/S 365 /379 IPC on being led/shown by accused Person Md. Jalaluddin ( 28 Yrs) S/o Shek Abdul Gaffar R/o Sharilipur, P.S: Badarpur, Dist: Karimganj, Assam has visited the P.O(to re-construct the Crime scene) in connection with the aforementioned case. The P.O is located at Mawiongrim Ryndang Briew as identified by the arrested accused, in the presence of the Executive Magistrate, Smti B. Pakyntein ( MCS) East Khasi Hills, Shillong and witnesses noted below. Further he reported that the said accused person along with his accomplice, one Md. Shakil Ahmed of Badarpur, reportedly murdered the victim person (L) Santosh Rai (35yrs) R/o No. 1 Nokolibari Chuk, P.S Tezpur (Assam) on the night of 29/4/2017 and thrown the dead body into the gorge ( Bushy area) at Mawiong rim Ryndang briew and took away victim's vehicle B/R regn.. no AS07 D 9009 (White Colour Swift Dzire). It is also reported that thorough search of the area identified by the accused person was made but to no avail as there was no sign of dead body(decomposed). Moreover in this regard on checking the P.S record no any U.D case is registered. So after observing all necessary formalities the Assam Police under SI. J.M.Deka and team and the accused person left for Assam. Hence this entry is made for future reference.

Witnesses:

1. Kartik Barman (40y)  
s/o. (L) Nabin Barman,  
of Nepalipatty, Tezpur P.S, Assam. (7576903792).
2. Shri. Rajendra Das (50y)  
s/o. Siramoni Das,  
Vill: New Kalibari,  
Tezpur, Mb. No. (9706626854).

certified to be the  
true copy of Mawlai P.S  
GDE no. 21 dt. 11/04/2018

7(2)  
127/18  
27/2/19  
Advt. Dist. & Session Judge  
FTC, Tezpur

7(2)  
127/18  
27/2/19  
Advt. Dist. & Session Judge  
FTC, Tezpur

Assam Schedule XL-A (Part 1), Form No. 148  
 District- SONITPUR  
 Police Station-TEZPUR

**CHARGE SHEET**

Charge sheet no- 425/18  
 In First Information no- 790/17

Date- 17/6/18  
 Dated- 01/05/2017

Name, Address & Occupation of Complainant	Name & Address of accused persons not sent up for trial whether arrested or not arrested including absconders. (Show absconders in red ink)	Name & Address of accused sent up for trial		Property (including weapons) found with particulars of whether, when and by whom found and whether forwarded to Magistrate	Name and Addresses of witnesses and what point is called to prove	Charge or information, nature of offence and circumstances connected with if so concise detail, and under what section of the Penal code charged
		In custody	On bail or recognizance			
1	2	3	4	5	6	7
Ainul Hoque, S/O- Late Abdul Kadir of Bhojkhowa Chapori, PS- Tezpur Dist- Sonitpur, Assam		Md Jalal Uddin, S/O- Shek Abdul Gaffar, Vill- Sharilipur, PS- Badarpur, Dist- Karimganj, Assam		MR NO 96/18 Z NO 87/18	1) Ainul Hoque, S/O- Late Abdul Kadir of Bhojkhowa Chapori, PS- Tezpur 2) Rupan Ahmed, S/O- Md Abul Malik, Vill- Bhangal Kalbash, PS- Badanpur, Karimganj, 3) Mohibur Rahman @ Mohan, S/O- Md Atabur Rahman, Vill- Chandushri Kuna PS- Badanpur, Karimganj 4) Badal Khan, S/O- Lt Abdul Khan of Jamlatok, Patharkandi, Karimganj	The prosecution story of the case is that on 01/05/2017 at 11.00 AM complainant lodged an FIR at this PS stating the on 29/04/2017 at 05.00 PM, driver Santosh Roy, driver of vehicle no- AS07-D-9009 belongs to the complainant went to Shillong with the said vehicle. Accordingly the complainant communicated with the driver since 10.00 PM of that night but thereafter the driver and vehicle was found untraced. After receiving the FIR, a case has been registered and invested into.  During investigation, PO was visited and drawn up a rough sketch map of the PO. Examined the Complainant and other witnesses and recorded their statement U/S- 161 CrPC. The stolen vehicle bearing Regd. No- AS07-D-9009 has been recovered from the possession of accused Jalaluddin at Badlapur, Karimganj and also seized as per seizure list in presence of the witnesses. During investigation, Md Jalaluddin and Md Shakil ahmed are apprehended, arrested and forwarded to the judicial custody.
		Md Shakil Ahmed, S/O- Abdul Salam of Vill- Labajuar, PS- Badarpur, Dist- Karimganj, Assam.		MR NO 143/18		

forwarded to the Sub Court through  
 Registrar court, one CD cassette, one  
 T.I.P. photocopy set, Extract copy  
 Manual PS GDE 2 (two) MS seizure  
 list one sketch map included

here with

Registrar, Sonitpur  
 22/06/18

- 1) SI Subhar Ch das, Badarpur Police Station, Karimganj
- 2) Kabir Ahmed, S/O- Late H. Khalek, Vill- Sheradipur, PS- Badarpur, Karimganj
- 3) Mrs Narada Rai, W/O- Lt Sankar Rai of New Kalibari, PS- Tezpur, Sonitpur, Assam.
- 4) Kartik Barman, S/O- Lt Nabin Barman, Vill- W/No- 13 Nepalipatty, PS- Tezpur
- 5) Md Gulzar Hussain, S/O- Md Fazar Ali, Vill- Napam, PS- Tezpur
- 6) Md Manir Ahmed, S/O- Lt Nazir Ahmed, Vill- Bahumari, PS- Tezpur
- 7) Md Ziaul Hoque, S/O- Lt Abdul Kadir, Vill- Bhojkhowa, PS- Tezpur
- 8) Md Seikh Nazrul, S/O- Lt Noor Mohhamad, Vill- Hatipil Khana, PS- Tezpur
- 9) Md Abdul Mazibur, S/O- Md Abdul Subhan, vill- Barika Chuburi, PS- Tezpur
- 10) Sri Rajendra Das, S/O- Lt Sirumoni Das of Vill- Kolibari, PS- Tezpur, all are of Dist- Sonitpur, Assam
- 11) Mrs B.Pakynstein, MCS, Exerutive Magistrate, West Khasi Hills, Meghalaya
- 12) ABC Krishna Bora, Sonitpur police reserve, PS- Tezpur, Dist- Sonitpur, Assam
- 13) SI Abdul momim
- 14) SI Romen Borah
- 15) SI Jitumoni Deka  
Trios are of PS- Tezpur, Sonitpur, Assam
- 16) UBC 1072 M. Sangma of Mawlai PS, West Khasi hills Meghalaya.

In course of investigation, Md Jalal udding confessed the murder of victim and concealed the dead body in the jungle nearby Barapani, Meghalaya in presence of Local Headman, Kalibari village and the E.M. of West Khasi hills.. As per his confession, a search operation also been carried out at nearby area of Barapani, Meghalaya for trace out the dead body of the victim Santosh Roy accompanied with the Executive Magistrate, West Khasi Hills and arrested accused but dead body of the victim Santosh Roy could not be recovered as the commission is occurred long time back accordingly no any entry vide UD case or regular case have been found in Mawlai PS of Meghalaya District. In course of investigation, it reveals that the both accused persons are come to Tezpur city with an intention to committing the offence. Accordingly in investigation facts were found that the accused persons are targeting innocent person for success in their goal. It is worth mentioning that on the day of commission one witness who is also driver in profession also interfere in the discussion between the deceased Santosh Roy and the accused persons regarding taxi fare for going to Shillong and the witness also questioning the accused due to suspect about their movement, place of visit and number of person accompanied with them but the accused persons not only ignored the witness but also keeping their intention in to the victim only. During investigation, it is also stated by witness that the accused person forcefully compelled the victim Santosh Roy to go with them. After committing the offence, the accused persons are not only tried to absconding from police arrest but also misleading the investigation agency for which excessively efforts required for tracing the accused person and to arrest in connection with the case. In course of investigation, the prima facie case established U/S- 365/379/201 IPC and Add Sec. 302 IPC against the Arrested accused person Md Jalal Uddin, S/O- Shek Abdul Gaffar, Vill- Sharilipur, PS- Badarpur, Dist- Karimganj, Assam and Md Shakil Ahmed, S/O- Abdul Salam of Vill- Labajuar, - Badarpur, Dist- Karimganj, Assam. So, I submitting Charge Sheet of the case against the arrested accused person U/S - U/S- 365/379/201 IPC and Add Sec. 302 IPC. One P.O. map, ~~three~~ seizure list, one compact disk enclosed with the CD.

8 (1)  
127/18  
27/2/19

I Investigating Officer  
Jitumoni Deka  
Tezpur PS  
17/6/18.

Ex. No. 9  
Case No.....  
Date- 16/9/19  
Sd/- Illegible  
Addl. Dist. & Session Judge  
FTC, Tezpur

Seen  
Sd/- Illegible  
30.3.18  
i/c

### Seizure Memo

MR No.- 96/18

Z/No.- 87/18

Ref: Tezpur PS C/No. 790/17 u/s 365/379 IPC

1. Place of Seizure:- **Badarpur P.S. Dist.- Karimganj**
2. Date & Time of Seizure:- **29.03.2018 at 8/30 AM**
3. Seizure from whom:- **Md. Jalaluddin**  
**S/o- Md. Abdul Gafur**  
**Vill.- Sheralipur**  
**PS- Badarpur**  
**Dist.- Karimganj**
4. Detail description of seizure article/documents:-
  - (1) **Swift Dzire bearing Regd. No.- AS-07D/9009 with key.**
  - (2) **R/C of Veh. No. AS-07D/9009 in the name of Md. Ainul Haque, S/o- Lt. Abdul Kadir of Vill.- Bhojkhowa PS- Tezpur. Tax paid up to 03.02.2026.**
  - (3) **One voter I/D of Md. Jalal Uddin S/o Abdul Gafur of Sheralipur PS- Badarpur Dist- Karimganj.**
  - (4) **One inner line permit issued by Deputy Commissioner, Itanagar Capital Complex of Md. Jalal Uddin S/o Md. Abdul Gafur.**
  - (5) **One Micro Max mobile hand set with SIM card vide model No. Q352 (Micromax) M\_IMEI1: 911519401183592 and S\_IMEI2: 9115194016885-90, with one airtel sim card No.- 7086397768**

## 5. Seizure witnesses:-

- (1) **Sd/- Badal** Seen  
**Badal Khan Age 25 y** Sd/- Illegible  
**S/o- Lt. Abdul Kareem**  
**Of Junglartorh**  
**PS- Pathar (illegible)**  
**9600410502**
- (2) **Sd/- Subhas Ch. Das 53 yrs**  
**SI of Police**  
**Badarpur P.S.**
- (3) **Sd/- Kabir Ahmed – 42 yrs**  
**S/o- Lt. A. Khalek**  
**Vill.- Sheralipur**  
**P/S- Badarpur**

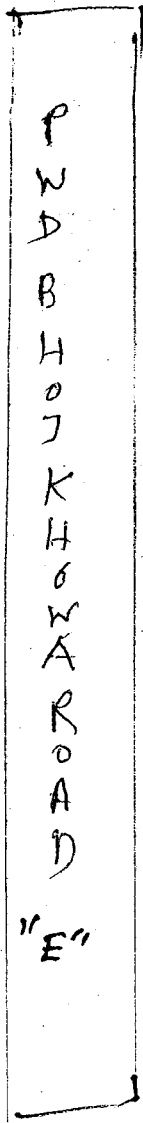
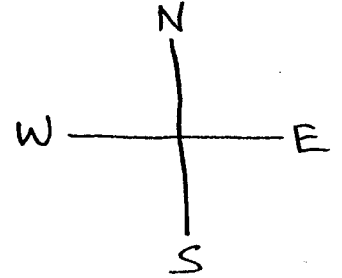
*Ex. No. 9(1)*  
*Case No.....*  
*Date- 16/9/19*  
*Sd/- Illegible*  
*Addl. Dist. & Session Judge*  
*FTC, Tezpur*

**Sd/- SI Ramen Bora**  
**Camp Badarpur P/S**  
**Dt. 29/03/18**  
**Seizure Officer**

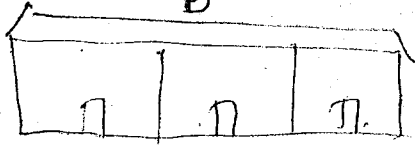
Ex. No. A  
Case No. 127/18  
Date- 27/2/19  
Sd/- Illegible  
Addl. Dist. & Session Judge  
FTC, Tezpur

Sketch Map of the P.O.

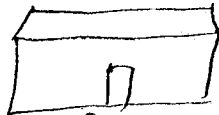
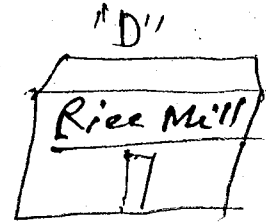
Ref: Tezpur PS C/No. 790/17 U/s- 365/379 I.P.C.



Bhog Khona Madrasa  
"B"



House of capt. Ameer Haque



House of Md. Mujibur Rahman

P.O.

INDEX

“A”- P.O. House of complt. Ainul Haque

“B”- Bhojkhowa Madrassa

“C”- House of Md. Muzibur Rahman

“D”- Bhojkhowa Rice Mill

“E”- P.W.D. Road of Bhojkhowa

Boundary of the P.O.

North:- Bhojkhowa Madrassa

South:- House of Md. Muzibur Rahman

East:- Bhojkhowa Rice Mill

West:- Bhojkhowa P.W.D. Road

*Ex. No. A(1)*

*Case No. 127/18*

*Date- 27/2/2018*

*Sd/- Illegible*

*Addl. Dist. & Session Judge*

*FTC, Tezpur*

Sketch Map is drawn by me

Sd/- Illegible, SI

Inp PS

Camp Bhojkhowa

Dtd. 01/05/17

# THE GAUHATI HIGH COURT AT GUWAHATI

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

## MAIN WRITTEN EXAMINATION FOR DIRECT RECRUITMENT TO GRADE-I OF ASSAM JUDICIAL SERVICE, 2023

Date: 10-12-2023 (Sunday)

Time: 01:00 PM to 03:00 PM

Total Marks: 50

Duration: 2 Hours

### PAPER-IV

1. তলৰ শব্দ কেইটিৰ বিপৰীত অৰ্থ বুজোৱা শব্দ লিখক- 1/2 X 6=3  
ক) উত্তৰ                      খ) উপকাৰ গ) আচামী ঘ) কৃতঘ্ন                      ঙ) প্ৰত্যক্ষ                      চ) সৃষ্টি
2. এটা শব্দত প্ৰকাশ কৰক- 1/2 X 6=3  
ক) লোকক দেখি পাছত যি কৰা যায়।                      খ) লোকক দেখি পিছে পিছে যোৱা।  
গ) বটা সৰিয়হেৰে কৰা চাটনী।                      ঘ) বাহ-গাজ খুন্দি তৈয়াৰ কৰা খাদ্য বস্তু।  
ঙ) যি গোচৰ তৰে।                      চ) যাৰ ওপৰত গোচৰ তৰে।
3. তলৰ সংখ্যা কেইটা আখৰেৰে লিখক- 1/2 X 6=3  
ক) ২৭                      খ) ৩২                      গ) ৪১                      ঘ) ৫০                      ঙ) ৭৬                      চ) ৮৬
4. বন্ধনীৰ ভিতৰত দিয়া শব্দৰ পৰা তলত দিয়া শব্দবোৰৰ শুদ্ধ সমানৰ্থক শব্দ বাছি লিখক- 1/2 X 6=3  
( তটিনী , উৎপল, কৰী , মিহিৰ, ধাতা, যামিনী)  
ক) পদুম                      খ) ৰাতি                      গ) নদী                      ঘ) ঈশ্বৰ                      ঙ) হাতী                      চ) সূৰ্য্য
5. তলৰ শব্দকেইটাৰ সন্ধি ভাঙক- 1/2 X 6=3  
ক) নিৰাকাৰ                      খ) নিৰৱধি                      গ) মহীন্দ্র                      ঘ) সূৰ্যোদয়                      ঙ) প্ৰশ্নোত্তৰ                      চ) বৃকোদৰ
6. তলৰ বাক্যকেইটাৰ উক্তি পৰিবৰ্তন কৰক- 1 X 5 = 5  
ক) ৰামে কৈছিল, “মই স্কুললৈ যাম।”  
খ) দেউতাই ক’লে, “তুমি এতিয়া আহ।”  
গ) শিক্ষকে কৈছিল, “সি এটা দুষ্ট ল’ৰা।”  
ঘ) ল’ৰাটোৱে কৈছিল যে সি তেতিয়া পঢ়া নাছিল।  
ঙ) শিক্ষকে কৈছিল যে পৃথিৱী সূৰ্য্যৰ চাৰিওফালে ঘূৰে।
7. তলৰ যিকোনো এটা ভাৱ সম্প্ৰসাৰণ কৰক- 5  
ক) অচিন কাঠৰ খোৰাকো নলগাবা।                      খ) আদাক দেখি উঠিল গা, কেঁতুৰীয়ে বোলে মোকো খা।
8. তলত উল্লেখ কৰা সাহিত্যিক দুজনৰ ভিতৰত যিকোনো এজনৰ কৰ্মৰাজীৰ ওপৰত ৫০ টা শব্দৰ ভিতৰত চমু টোকা লিখক- 4  
ক) বিষ্ণু প্ৰসাদ ৰাভা                      খ) নলিনী বালা দেৱী

9. অৰ্থ লিখি বাক্য ৰচনা কৰক-

1 ½ X 4 = 6

ক) চকু মুদা কুলি।

খ) মুখেৰে সাত হাল বা।

গ) চকু চৰহা।

ঘ) হাত উজান দে।

10. তলৰ পংক্তিটোৰ সাৰাংশ লিখক-

(৫০ টা শব্দৰ ভিতৰত)

5

ভক্ত প্ৰহলাদৰ গভীৰ বিশ্বাস  
ৰাখে হৰি মাৰে কোনে।  
বুকুত পৰ্বত সাগৰ গৰ্ভত  
নাজানিলে হৰি বিনে।  
সীতাৰ মাহাত্ম অগ্নিটো প্ৰখৰ  
জাহ জোৱা ভয় নাই  
সেইহে অগ্নি পৰিক্ষাৰ ভয়  
নকৰিলে সীতা আই।  
বলিৰ চলন দাতা কৰ্ণৰ  
নেহে কথা উপাখ্যান  
বিশ্বাসৰ সেয়ে জনন্ত প্ৰমাণ  
তাতে যিয়ে সত্যবান।  
জীৱন পৰীক্ষা মুহূৰ্তে মুহূৰ্তে হয়  
বিশ্বাসীয়ে বিচলিত কদাপি নহয়।

-নীলমনি ফুকন

11. তলৰ অনুচ্ছেদটো অসমীয়ালৈ অনুবাদ কৰক-

5

A witness cannot be disbelieved merely because he belongs to a profession, calling or caste. So also in the case of a witness who belongs to any particular party, a particular class. Respectability and veracity of a witness is not necessarily dependant upon his status in life. Where a mason and petty seller of 'Saaris' or persons from the lowest strata of societies gave evidence as eye witnesses against a few accused who came on motorcycles and attacked the victim with sticks and knives, killed him and fled away, Supreme Court observed that their courage in coming forward to depose against the accused needs to be appreciated.

12. এজন ন্যায়িক বিষয়া হিচাবে আদালতত প্ৰথম দিনটো কেনে হোৱা বিছাৰে তাৰ ওপৰত চমুকৈ লিখক।

5

-XXXXXXX-