

**ASSAM JUDICIAL SERVICE GRADE-I  
(PAPER-III)**

Duration : **3 Hours**  
Total Marks: **100 Marks**

**Constitutional Law (40 marks)**

**(Answer any four)**

1. *“A country cannot be developed without the participation of village unit local self government”- Mahatma Gandhi*

What do you mean by local self government and discuss the constitutional provisions in respect of local self government for democratic decentralization. **10 marks**

2. Write briefly the different methods of acquisition and termination of Indian citizenship. Is there any direct constitutional provision to that effect ? **10 marks**

3. Why has special status been given to the State of Jammu and Kashmir ? Do you think that this special status should be extended to Assam also ? Give reasons. **10 marks**

4. Write short notes on **any two** of the following :- **2x5 marks=10 marks**  
(a) All India Services.  
(b) Grants-in-aid  
(c) Finance Commission

5. Write an exhaustive note on ‘Writs’. **10 marks**

6. Discuss in detail the procedural safeguards to civil servants guaranteed by Article 311(2) of the Constitution of India pointing out the exceptions. Cite case laws. **10 marks**

**Jurisprudence (20 marks)**

**(Answer any four)**

1. Write briefly (**any two**) **2x5 marks = 10 marks**  
(a) Austin’s theory of law and its deficiencies, if any.  
(b) What is criminal justice ? Refer to two theories of punishment of your choice.  
(c) Interpretation of statutes.

2. What is the meaning of the term 'Law' ? Distinguish between '*public law*' and '*private law*'. **10 marks**

3. Write a note on the nature of jurisprudence. What is the utility of study of jurisprudence ? Discuss. **10 marks**

**Judgment writing (40 marks)**

1. Write a judgment on the basis of the materials supplied in the enclosed paper book.

\$\$\$\$\$\$\$\$\$\$\$\$

# PAPER BOOK

Seen  
Sd/- Illegible  
12.1.06  
I/c Addl. Judicial Magistrate  
Dibrugarh

## FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

G.R. NO. 57/06

1. Dist..Dibrugarh...PS.Tingkhong...Year....2006.....

FIR No 04/06 ....date....10.1.06.....

2. (i) Act.....I.P.C.....Sections...U/S 325 IPC

II) Act.....sections.....Addl. Sec 302 IPC.....

iii) Act.....sections.....

iv) Other Acts & Sections.....

3. a) General Diary Referenced Entry No...191

.....Time...10.1.2006 at 8.15 AM.....

b). Occurrence of offence: Day...Monday..... date 09.1.06.....

Time...8.A.M.....

c) information received date 10.1.06..... Time At 8.15 A.M.....

G.D. No. \_\_\_\_\_ at the police station

4. Type of Information .....Written.....

5. Place of occurrence: No.2 Padumoni Gaon, Konwari Gaon.....

a) Direction and Distance <sup>from</sup> P.S...5 K.M. North.....

b) Address.....No.2 Padumoni Gaon P.S. Tingkhong.....

.....Beat No.....

6. Complainant/Informant :

a). Name.....Sri Dharmeswar Gogoi

b). Father's name ...Lt. Bhakat Ram Gogoi

c). Date/year of Birth.....1961.....45yrs.....

d). Nationality .....Indian.....

e) Pass port No.....Date of issue.....Place of  
issue.....

f) Occupation .....Cultivator.....

g) Address...Konwari Gaon, Padumoni vill. P.S. Tingkhong Dist.  
Dibrugarh.....

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

1. Sri Sunil Gogoi, S/o Sri Lil'bor Gogoi of No.2 Padumoni,  
Konwari Gaon.....

8. Reasons for delay in reporting by the Complainant/  
Informant:.....

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

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):

The written ejahar received at P.S. treated as FIR and enclosed.

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 ASI Bhuban Bhuyan to taken up  
P/S step of the case to take up the Investigation/transferred to  
P.S..... on point of jurisdiction F.I.R. read over to the  
Complaint/ Informant admitted to be correctly recorded and a copy  
given to the Complainant/ Informant free of cost.

Signature of Officer-In-Charge  
Police Station with  
RTI of Sri Dharmeswar Gogoi

14. Signature /thumb impression of the  
Complainant / Informant.

\* Name: ... Nobin Borborah S.I.  
Rank: .....  
Officer in Charge  
Sd/ illegible  
Tingkhong Police Station  
Dist. Dibrugarh  
10.01.06

Ext.1  
Sd/ illegible  
26.9.06

Seen  
Sd/illegible  
12.1.06  
Seal  
Dibrugarh

**EJAHAR**

To,

The Officer – in – charge,

Tingkhong Police station, Tingkhong

Dated. 10.01.06

Subject: Ejahar

Sir,

Humble submission is that around 8 a.m. on 9.1.06 my elder brother Sri Lilbor Gogoi (aged 65 years) was sitting by fire at the gateway of his house. Just about that time, his son Sri Sunil Gogoi dealt a blow upon his head with a split wood as a result of which, he fell down on the ground unconscious. At present the injured is in Naharani Health centre under treatment.

I, therefore request you to take necessary steps in this regard and oblige.

Ext.1(i)  
Sd/ illegible  
26.9.06

Yours faithfully,  
Sd/ Sri Dharmeswar Gogoi  
Son of Late Bhakatram Gogoi  
Resident of No.2 Padumoni Gaon  
Kuwarigaon P.S. Tingkhong  
Dibrugarh.

Written as per the dictation of the complainant and when admitted correct upon being read over to him, I put my signature here.

Scribe: Krishna Deka  
10.01.06

S.C. 180/06

**CHARGE WITH ONE HEAD**

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

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

Sri A. Alam,

Addl. Sessions Judge (FTC) Dibrugarh

Hereby charge you Sri Sunil Gogoi

As follows:

That you on or about the 9.1.2006 at about 8 a.m. in front of the house of Sri Lilbor Gogoi you had committed his murder by intentionally causing the death.

And thereby committed an offence punishable under section 302 of the Indian Penal Code and <sup>within</sup> with the cognizance of the Court of Sessions.

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

The charge framed read over and explained to the accused; to which he pleaded not guilty and claimed to be tried.

Dated this 5<sup>th</sup> day of Sept 06

Sd/-Illegible

Addl. Sessions Judge(FTC)

Dibrugarh

5.9.06



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE ,

DIBRUGARH

G.R. CASE NO. 57/06

STATE

-VS.-

Sri Sunil Gogoi

**COMMITMENT ORDER**

Dated : 8.8.06

Accused Sunil Gogoi is produced from jail hazot. Copy  
is ready the same is furnished.

The offence alleged of is exclusively triable by the court  
of Sessions. Therefore the case is committed to the court of  
Sessions with an intimation to the learned PP. The accused shall be  
produced before the Court of Sessions on 10.8.06

Sd/-Illegible

CJM,DBR

**FORM FOR RECORDING DEPOSITION**

Deposition of P W 1

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Dharmeswar Gogoi

Son of Lt. Bhakatram Gogoi

My age is 45 years I reside at Tingkhong

District Dibrugarh .....Police Station Tingkhong

Occupation .....Cultivator.

On S/A,

I know the accused Sunil Gogoi. He is my nephew. The deceased is the father of the accused.

The incident took place in the month of journey. On that day at about 7 p.m Lilbon Gogoi was enjoying the heat of fire, and at that time Sunil struck Lilbon who fell down, and was taken to Hospital. The next day he died.

I filed the FIR. Ext.1 is my FIR. Ext.1(1) is my signature. Ext.2 is the inquest report. Ext.2(1) is my signature.

XXXXXXXXXXXX Cross XXXXXXXXXXXX

I have not seen the incident. There was no quarrel or enmity with his father. He had suffered the mental disorder. There is no previous incident of his attacking anyone.

Sd/- Illegible

R.O. & A.C  
Sd/ illegible  
26.9.06

**FORM FOR RECORDING DEPOSITION**

Deposition of P W 2

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Smti Deepali Gogoi

Wife of Sri Pranab Gogoi

My age is 27 years I reside at Dadumoni Kuwanigaon

District Dibrugarh .....Police Station Tingkhong

Occupation .....House wife.

On S/A,

The accused is my husband's elder brother, 'Bhijona'.

The deceased was my father in law. It was in the month of January. I was inside and hearing cry of my daughter Priyanka went outside, I saw my father in law was lying on the ground senseless. My daughter was only near to my father – in – law at that time. We brought him inside. There is no Priyanka. Thereafter the injured was taken to hospital. Priyanka told me that Sunil had stroked his father on head from behind. He was brought home from hospital and at home he died.

XXXXXXXXXX Cross XXXXXXXXXXXX



On my arrival, I found my daughter Priyanka none else  
*Were* there at the P.O. He had suffered from mental disorder. He  
damaged his house *too*. He also chased *some persons* while *going*  
*through* Road. He killed one cow and a pig also. His *wife* left him  
due to his fortune.

Sd/- *Illegible*.

R. O. & A. C  
Sd/ illegible  
26.9.06

Assam Schedule VIII, Form No. 03  
High Court Criminal Form No.(M) 03

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

Deposition of P W 3

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Pranab Gogoi

Son of L. Lilibor Gogoi

My age is 27 years I reside at 2 no. Dadumoni

District .....Police Station Tingkhong

Occupation .....Cultivator.

On S/A,

The ~~accused~~ is my elder brother. The deceased was my father. It was in the month of January 2006. He was enjoying the heat of fire. I was not at home, went for work. I was informed that father was beaten by Sunil. I found my father in injured condition, injury was in the neck, we took him home and later along with Pradip Gogoi took him to Nabarani Hospital for treatment. After one day at hospital we took him back home, the Doctor stated that there was no scope for recovery. He died at night.

XXXXXXXXXXXX Cross XXXXXXXXXXXX

The accused suffered for mental disorder. When his wife left him, thereafter, he was not found to be 'completes normal.

We showed him to some village 'Bez' He resided separates.

Sd/- Illegible

R. O. & A. C  
Sd/ illegible  
26.9.06

Assam Schedule VIII, Form No. 03  
High Court Criminal Form No.(M) 03

Sessions Case 180/06

FORM FOR RECORDING DEPOSITION

Deposition of P W 4

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Bipul Gogoi

Son of L. Kuladhar Gogoi

My age is 27 years I reside at ..... Dadumoni

District .....Police Station Tingkhong

Occupation .....Cultivator.

On S/A,

I know the accused. The deceased was my uncle. I  
heard about the incident. I came, On my arrival I found the injured  
lying on the road. He was taken inside. Reach to doctor I found him  
Sic  
senseless. Priyanka told that Sunil had striked him.

XXXXXXXXXX Cross XXXXXXXXXXXX

NIL

Sd/- Illegible.

R. O. & A. C  
Sd/ illegible  
26.9.06



FORM FOR RECORDING DEPOSITION

Deposition of ..... P.W.5.....

Present:- Shri A. Alam,  
Addl. Sessions Judge(ETC),  
Dibrugarh.

My name is Smti. Priyanka Gogoi.

Son/Wife/Daughter of Sri Pranab Gogoi.

My age is 11 years

I reside at Padumanl Konwar Gaon..... District :- Dibrugarh.....

Police Station ... Tingkhong..... Occupation :- Student.....

The witness, as stated by herself is below the age of 12 years and as such, no Oath or affirmation could be given to her. However, she has been tested by putting the following questions -

1.Q. Do you go to school ?

Ans.- Yes, I go to school.

2.Q. What Class do you read in?

Ans.- I read in Class VI.

3.Q. Do you know the name of your school ?

Ans.- Yes, the name of our school is Konwarigaon Higher Secondary School.

4.Q. How many students are there in your Class ?

Ans.- There are 49 students in our Class.

5.Q. Who is the Headmaster of your School ?

Ans.- Sri Kamala Gogoi.

6.Q. With whom do you have <sup>you</sup> come to the court ?

Ans.- I have come to the court along with my father & mother.

OBSERVATION

After putting these questions and considering fluency and clarity of her answers, it is found that she will be able to

narrate the facts within her knowledge. Hence, I proceed to record her evidence :-

E V I D E N C E

The name of my grand-father was Lilbor Gogoi. I was with him in front of our homestead. I had put up <sup>a</sup> fire and both of us were enjoying the heat of the fire. At that time, Sunil Gogoi hit on the backside of the head of Lilbor Gogoi and on the impact, the grand-father fell down on the ground. (the witness has pointed the portion of the neck just below the head). I then cried for my mother. My mother rushed to the P.O. and called my father, and my father also arrived. Thereafter, the grand-father was lifted inside our house. Thereafter, he was taken to medical for treatment. On the next day of the incident, the grand-father succumbed to the injuries. After hitting my grand-father, the accused fled away from the place. The accused hit by a piece of bamboo. It was in the morning and my grand-father was hit thrice at the same place. I have only this much to state. Nobody has tutored me to state what I have stated today.

XXXXXXXXXXXXXX

Cross —

I may not state to the I/O about hitting thrice by the accused. It is not a fact that I stated to the I/O that the accused had inflicted the injuries by a split piece of firewood. The accused killed one pig by a lathi and he has also damaged his own house. He has some mental disorder and as such, sometimes goes off his head.

R.O. & A.C.

dictated and  
corrected

Addl. Sessions Judge (FTC),  
Dibrugarh.

FORM FOR RECORDING DEPOSITION

Deposition of P W 6

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Bhadreswar Gogoi

Son of Bapiram Gogoi

My age is 43 years I reside at ... Kuwarigaon

District Dibrugarh .....Police Station Tingkhong

Occupation .....Business

On S/A,

I know the accused. I heard about the incident and so went there. On my arrival police took my signature on the Inquest report. Ext. 2(2) is my signature.

XXXXXXXXXXXXXXXXCROSS XXXXXXXXXXXX

I did not notice any injury as I did not minutes observe the dead body.

Sd/- Illegible.

R.O. & A.C

Sd/-Illegible

26.9.



FORM FOR RECORDING DEPOSITION

Deposition of P W 7

You are taken oath or solemn affirmation on this 1.12.06 ..... of Sri

D.C. Chetia Phukan, Addl. Dist. & Sess. Judge, F.T.C. DBR.

My name is Sri Dr. Rupak Kumar Gogoi

Son of Sri Hanighadhar Gogoi

My age is 39 years I reside at ...Udaypur Dibrugarh ...

District Dibrugarh .....Police Station Dibrugarh

Occupation .....Asstt. Professor A.M.C. Dibrugarh

On S/A,

On 13.1.06 I have done post mortem of Lilbor Gogoi  
aged about 65 years of Hindu, Male, being identified by const. No  
5844 Hiteswar Chetia and Sri Rajen Gogoi son of the deceased and  
found as follows:

One male dead body of average build dark brown –  
complexion wearing dhuti and ganji  
Rigor mortis present on both upper and lower limbs.  
Examination cranium and spinal canal:

Skull contused on left temporal area. Membrane –  
Subdural, Hemorrhage present on whole cervical hemisphere,  
Brain – congested. Examination of thorax:

All were found healthy.

Examination of abdomen:

All were found healthy.

Opinion:



Cause of death was coma, resulting from head injury  
which was ante mortem and cause by blunt force impact. Approx  
time of death 36 to 48 hours. Ext. 3 is the P.M. report Ext. 3(1) is  
my signature.

XXXXXXXXXXXXXXXXXX

Declined.

Sd/- Dr. R.K. Gogoi

R.O. & A.C

Sd/-Illegible

Addl. Dist. & Sessions Judge (FTC)

Dibrugarh

1.12.06

FORM FOR RECORDING DEPOSITION

The Deposition of P W 8

aged about 25 years taken on oath or solemn affirmation under Provisions of the Indian Oaths Act X of 1878 before me D.C. Chetia Phukan, Addl. Dist. & Sessions Judge, FTC, Dibrugarh ..... on this

My name is Rajen Gogoi

My Father's name is Lt. Lilibor Gogoi ..... I am

by caste.....Hindu ..... my home is at Mauza

Police Station Tingkhong ..... District..... Dibrugarh

I reside at present in Mauza.....Dibrugarh ..... Police

Station.....Dibrugarh District.....Dibrugarh .....

where I am.....

On S/A,

I know Sunil Gogoi, About one year ahead the occurrence took place. Lilibor Gogoi is my father. I was informed by niece Prianka that Lilibor Gogoi is murdered. Accordingly I went to the place of occurrence. I found my father laying on the verandah with an injury of his neck. It was ~~severely~~ <sup>brain</sup> injury. Prianka told me that Sunil Gogoi ~~and~~ assaulted by a bamboo Lathi to Lilibor Gogoi. Lilibor gogoi was brought to hospital at Naharani. He was admitted there and on the next day Lilibor Gogoi died at hospital.

XXXXXXXXXXXXX

Sunil Gogoi has ~~been~~ <sup>brain</sup> defect.

Sd/- Illegible

R.O. & A.C  
Sd/-Illegible  
28.02.07

**FORM FOR RECORDING DEPOSITION**

The Deposition of P W 9

aged about 56 years taken on oath or solemn affirmation under Provisions of the Indian Oaths Act X of 1878 before me D.C. Chetia Phukan, Addl. Dist. & Sessions Judge, FTC, Dibrugarh ..... on this ..... 28.2.07 ...

My name is Sri Suraj Gogoi

My Father's name is Lt. Baputi Gogoi

caste.....Hindu ..... my home is at Mauza Konwari gaon

Police Station Tingkhong ..... District..... Dibrugarh

I reside at present in Mauza.....Dibrugarh ..... Police

Station.....Dibrugarh District.....Dibrugarh .....

where I am..... Asstt Head master.

On S/A,

I know Sunil Gogoi. About one year ahead the occurrence took place. I heard that Lilbor Gogoi was killed by Sunil Gogoi(son). I heard that Lilbor Gogoi was brought to hospital. On the next day police came. And I also went there. As per direct of police I put signature in the inquest.

XXXXXXXXXX

DECLIEND.

R.O. & A.C

Sd/-illegible

28.2.07



**FORM FOR RECORDING DEPOSITION**

The Deposition of P.W 10

aged about 49 years taken on oath or solemn affirmation under  
Provisions of the Indian Oaths Act X of 1878 before me D.C. Chetia  
Phukan, Addl. Dist. & Sessions Judge, FTC, Dibrugarh .... on  
this.....28.3.07

My name is Sri Bhaba ch. Bhuyan

My Father's name is Lt. Ratneswar Bhuyan

caste.....Hindu .... my home is at Mauza

Police Station Tingkhong District.....

I reside at present in Mauza...Tingkhong P.S. .... Police  
Station.....District.....Dibrugarh where I am.....S.I. of Police

On S/A,

On 10.1 .06 I was S.I. of Police at Tingkhong P.S. On  
that day an report of ejahar from Dharmeswar Gogoi. The O/C  
incharge Nabin Barborah registered the case and endore the ~~same~~  
of my name ~~for~~ <sup>for</sup> taking preliminary steps. I visited the hospital where  
the victim was placed. The victim was not in a ~~position~~ <sup>position</sup> to speak.  
Then I ~~went~~ <sup>went</sup> to the P.O. and recorded the statement of witnesses. I  
drew up sketch map. Accd was arrested on the next date and  
produced before the court. The victim died at hospital ~~and~~ <sup>of</sup> his injures.  
On complexion of my preliminary step, I ~~handed over~~ <sup>handed over</sup> the C.D to the  
O.C. S.I, Bipul Katakey charge sheeted the case. I know the



signature of Bipul Katakey. Ext. 4 is C.S. Ext. 4(1) is the signature of  
Bipul Katakey.

XXXXXXXXXXXX

Declined.

Sd/- ASI, Bhaba ch. Bhuyan

R.O. & A.C

Sd/-Illegible

28.3.07

**FORM OF RECORDING EXAMINATION OF ACCUSED**

**EXAMINATION OF ACCUSED PERSON**

**(Section 364 of the Criminal Procedure Code)**

The examination of accused Sunil Gogoi  
aged about 36...years taken before Sri D.C Chetia Phukan, Addl.  
District & Session Judge,(F.T.C ), Dibrugarh on the day  
of.....29.11.02 in the language, interpreted by.....

My name is Sri Sunil Gogoi

My father's name is Sri Lilabor Gogoi

I am by caste and by occupation

My home is at Mouza, Police Station. Tnighhong

..District. ...Dibrugarh I reside at Kuari gaon.....

Q. It is alleged that you committed murder of Lilibar Gogoi.

What is your answer?

Ans: False.

Q. P.W.1 deposed that you striked Lil.bor as a result he  
fell down on fire while he was hiting himself and as a result Lil.bor  
died at hospital. What is your answer?

Ans: I hit Lil.bor with a bamboo stick from back side and his  
shoulder.

Q. P.W. 2,4,7 deposed that Priyanka told them that you strike  
Lil.bor on the head from behind and Lil.bor died at hospital. What is  
your answer?

Ans: I hit Lilibor with a bamboo stick on his shoulder.

Q. P.W.3 deposed that he heard that you beat his father Lilbor Gogoi. What is your answer?

Ans: I hit by a bamboo stick on his shoulder.

Q. P.W. 5 deposed that she and Lilbor were enjoy heat at that time you hit Lilbor head from the back side and Lilbor fell down on the ground. She then outcry and called her mother who came there and called her father. They took her grandfather Lilbor inside the home and thereafter to hospital and the next day Lilbor died. What is your answer?

Ans: I made strike from backside with a bamboo stick.

Q. It is also stated by P.W. 5 that you fled away after the incident.

Ans: It is not a fact that I fled away but I leave the place then caught me.

Q. Do you have anything to say?

Ans: I hit with a bamboo stick from backside to lil bor Gogoi on his shoulder.

Q. Will you adduce evidence?

Ans: No.

Sd/ Sunil Gogoi  
Signature of mark of the accused

Sd/-Illegible  
29.11.07  
Signature of Magistrate

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

Sd/-Illegible  
29.11.07  
Signature of Magistrate



IN THE COURT OF THE ADDL. SESSIONS JUDGE (FTC): DIBRUGARH

Present :- Sri D.C. Chetia Phukan,  
Addl. Sessions Judge (FTC),  
Dibrugarh.

Sessions Case No. 180/06.

U/S 302 I.P.C.

THE STATE OF ASSAM

-Vs-

Sri Sunil Gogoi ----- Accused

A P P E A R A N C E :

For the State :- Sri S. Kotoky, Addl. P.P.

For the Accused :- Sri B. Ahmed, Advocate.

Dates of Evidence :- 26-9-06; 01-12-06;

28-2-07; & 28-3-07.

Date of Arguments :- 30-11-2007.

Date of Judgment :- 30-11-2007.

J U D G M E N T

1. The case of the prosecution in brief is that the complainant, Sri Dharmeswar Gogoi, S/O Late Bhakatram Gogoi, R/O No.2 Padumeni Konwari gaon, P.S. Tingkhong, Dist. Dibrugarh lodged an Ejahar against the accused Sri Sunil Gogoi, S/O Late Lilbor Gogoi, R/O No.2 Padumeni Konwari gaon, P.S. Tingkhong, Dist. Dibrugarh to the effect that on 09-01-06 at about 8-00 a.m. while the brother of the complainant, Lilbor Gogoi <sup>enjoying heat & fire, he was</sup> was assaulted by his son, Sri Sunil Gogoi with a fire-wood. To this effect one Ejahar dtd. 10-1-06

Contd. on page 2



Ext. 1  
Sd/-Illegible

FORWARDING REPORT

To

The Officer in Charge  
Tingkhong Police Station  
Tingkhong

Dated 11.1.06

Sub: Regarding death of the injured.

Sir

Humble submission is that I lodged an ejahar 10.1.06 informing that around 8 a.m on 9.1.06, my elder brother Lilbar Gogoi had been beaten by his son Sri Sunil Gogoi with a split firewood, thereby making him grievously injured. He had been under treatment in Nahorani Health Centre.

It is a matter of regret that my elder brother succumbed to his injuries around 10 p.m yesterday.

I, therefore, inform you the same.

Ext. 1(1)  
SD/- Illegible

Yours faithfully  
Sd/- Sri Dharmeswar Gogoi  
So of Lt. Bhakatram Gogoi  
Resident of No. 2 Padumoni Gaon  
Kuwarí gaon  
P.S. Tingkhong

Written as per the dictation of the complainant and when admitted correct upon being read over to him, I put my signature here.

Scribe: Krishna Deka

11.1.06

Entered vide Tingkhong P.S. G.D.E. No. ....(torn) dtd. 11.1.06

Sd/- Nobin Borborah  
Officer in Charge  
Tingkhong P.S.  
Dist. Dibrugarh  
11.1.06

Ext. 2  
SD/-illegible  
26.9.06

**INQUEST REPORT**

**Ref: Tingkhong P.S. Case No. 4/06 U/S 325 IPC**

Now, I Sri Mridul Kumar Das, Circle Officer, Rajgarh revenue circle, along with Asstt Sub Inspector of Tingkhong P.S. Bhuban Bhuyan and his staff arrive at the house of the deceased of the above mentioned case and hold inquest on the dead body, upon its identification by the deceaseds brother Sri Dharmeswar Gogoi to the following effect:

The deceased is found lying north south at the courtyard of his residence, covered with a white cloth. Lifting the cloth with which the deceased is covered, it is noticed that the deceased is aged around 65 years. The hair is about one and half inches long and completely gray. Both the eyes are slightly open. The mouth also slightly open. The face is covered with gray beard. The two hands are lying straight. Both the legs are lying straight. The wearing of the deceased comprises of a full sleeved vest and a markin dhoti. Tossing and turning the dead body, the nape of the deceased is found blackened. Examining the witnesses, it is learnt that the deceased had been ailing and that around 7 a.m. on 9.1.06, while deceased Lilabar Gogoi was warning himself sitting by a fire, his son Sri Sunil Gogoi dealt a blow on his nape with a split firewood, resulting in h is death.

Yet, in order to ascertain the real cause of deceaseds death the dead body is being sent to A.M.C. H. Dibrugarh, for P.M examination.

**Name and address of the deceased**

Late Lilabar Gogoi, age 65 years

Son of Lt Bhakatram Gogoi

Resident of No. 2 Padumoni gaon

P.S. Tingkhong

1. Sri Dharmeswar Gogoi, 45 yrs

Ext. 2(1)

S/o Lt. Bhakatram Gogoi

Sd/-Illegible

No. 2 Padumoni gaon

26.9.06

P.S. Tingkhong

2. Sri Rajen Gogoi, 30 years

S/o Lt. Lilabar Gogoi

No. 2 Padumoni gaon

P.S. Tingkhong

3. Sri Saraj kumar Gogoi, 53 yrs

S/o of Lt. Babuti Gogoi

No. 2 Padumoni Kuwari gaon

4. Sri Bhadrashwar Gogoi, 42 years

Ext. 2(2)

Son of Sri Bapiram Gogoi

sd/-Illegible

Padumoni Kuwari gaon

26.9.06

Sd/-Illegible

Sd/- Dr. R.K. Gogoi

13-1-06.

Asstt. Professor

Deptt of Forensic Medicine

Assam Medical College



Ext. 3  
Sd/-Illegible

## POST MORTEM REPORT

Ref: Tingkhong P.S. C.No. 4/06 U/S 325 IPC

Station : A.M.C.H

Day of :- 13.1.06

P.M.No. 40/06

Name, Sex, age

and caste : Lilbar Gogoi, M,H, age 65 yrs

S/o Lt. Bhakatram Gogoi

No. 2 Padumoni

P.S. Tingkhong

Whence brought

Village and Thana : At house

Name of constable by

whom brought and names

of relatives accompanying : C/ 584 Hiteswar Chetia

## DATE AND HOUR OF

Despatch : 11.1.06 at 4 p.m

Arrival at dead house : 13.1.06 at 1 pm.

Examination : 13.1.06 at 1.30 p.m

Information furnished by

Police. : As per inquest report etc.



By whom identified before

Medical Officer

1. C/ 584 Hiteswar Chetia

2. Sri Rajen Gogoi, (son)

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

### 1. EXTRANAL APPERANCE

1. Condition of subject stout

emaciated, decomposed ect. : One male dead body of average built, dark brown in complexion wearing a dhuti and a ganji. Rigor mortis present on both upper & lower limbs.

2. Wounds - position, and char

actor.

3. Bruise Position size and

nature.

4. Mark of ligature on neck

Dissection, etc. : No ligature mark seen

On dissection - healthy.

### II. CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae

Scalp: Contused on level temporal area.

Skull - & vertebrae – healthy.

2. Membrane : Sub dural haemorrhage present on  
whole cerebral hemisphere.

3. Brain and spinal cord : Congested.

Not examined.

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

### ***III. THORAX***

1. Walls ribs and cartilages : Healthy.

2. Pleurae : Healthy ,

3. Larynx and trachea : Healthy ,

Right lung : Healthy

Left lung : Healthy

Pericardium : Healthy

Heart : Healthy , contain

Vessels. : Healthy , contain

### ***IV. ABDOMEN***

1. Walls : Healthy.

2. Peritoneum : Healthy.

3. Mouth, pharynx, oesophagus : Healthy ,

- |  |   |
|--|---|
| 4. Stomach and its contents                    | Healthy & Empty. .                        |
| 5. Small intestine and its contents            | : Healthy , contain gas and foecal matter |
| 6. Large intestine and its contents            | : Healthy , contain gas and foecal matter |
| 7. Liver                                       | : Healthy ,                               |
| 8. Spleen                                      | : Healthy                                 |
| 9. Kidneys                                     | : Healthy ,                               |
| 10. Bladder                                    | : Healthy ,& Empty.                       |
| 11. Organs of generation external and internal | :Healthy.                                 |

## V. MUSCLES, BONES AND JOINTS

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

**MORE DETAILED DESCRIPTION OF INJURY OR DISEASE**

ASSISTANT SURGEON  
OPINION OF .....AS TO CAUSE OF DEATH

**SUB - ASISTANT SURGEON**

Cause of death is coma , resulting from head injury, which is ante mortem and caused by blunt force impact.

Aprox time since death 36 to 48 hrs

**EX-67**                      **Sgt. R.A. Gogo**

Ext. 3(1)  
Sd/-Illegible

Sd/- Dr. K. K. Gogoi  
Asstt. Professor  
Deptt. Of Forensic Medicine  
Assam Medical College

ASISTANT SURGEON OF  
SUB-ASISTANT SURGEION

The 13<sup>th</sup> day of January 06

**REMARKS BY CIVIL SURGEON**

ASI, B. Bhuyan  
Pse take n/a

Sd/-illegible  
24.6.06  
O.C. TKG P.S.

The            day of

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



Ext. 4  
Sd/-Illegible

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

**CHARGE SHEET**

District Dibrugarh Charge Sheet No. 33/06 DT. 26.6.06

Police Station Tingkhong In First Information No.4/06 dt. 10.1.06

Name, address & occupation of COMPLAINANT

1

Dharmeswar Gogoi

S/o Lt. Bhakatram Gogoi

Of No. 2 Padumoni Konwari gaon

P.s. Tingkhong

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

[Show absconders in red ink]

2

Names and addresses of accused persons sent up for trial

In custody

On bail or recognizance

3

4

Sri Sunil Gogoi

S/o Lt. Lilabar Gogoi

Of No. 2 Padumoni Konwari gaon

P.s. Tingkhong

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

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

6

1. Dharmeswar Gogoi, S/o Lt. Bhakatram Gogoi
2. Smti Dipali Gogoi, W/o Sri Pranab Gogoi
3. Sri Pranab Gogoi, S/o Sri Lilabar Gogoi
4. Sri Bipul Gogoi, S/o Lt. Kuladhar Gogoi
5. <sup>Smti</sup> ~~Smti~~ Priasu Gogoi, D/o Sri Pranab Gogoi
6. Sri Lajen Gogoi, s/o Lt. Lilabar Gogoi
7. Saruj Gogoi, S/o Lt. Babuti Gogoi
8. Sri Bhadraswar Gogoi, S/o Sri Bogiram Gogoi, all are No. 2

Padumoni Konwari gaon, P.S. Tingkhong

9. Sri Mridul kr. Das, Ex. Magt. ,SDC, Rajgarh
10. Sri R.K. Gogoi, Asstt. Professor Forensic Medicine A.M.C.H.

Dibrugarh

11. ASI, Bhuban Bhuyan

12. S.I. Bipul Kataki, Both of Tingkhong P.S.

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

The charge in brief, is that on 10.01.06, Sri Dharmeswar Gogoi, S/o Late Bhakat Ram Gogoi, R/O No. 2 Padumoni Kuwari village, lodged a written ejahar with the P.S. informing that at about 8 a.m. On 9.1.06 while the complainants elder brother Lilbar Gogoi had been warming himself sitting by fire. Lilbar's son Sunil Gogoi had wounded Lilabar Gogoi from behind by dealing a blow with a firewood. Accordingly, a case was registered, vide case no 04/06 U/S 325 IPC and the investigation was started. During investigation the place of occurrence was visited and the witnesses were examined. Injured Lilbar Gogoi died while under treatment. An inquest report was prepared on the dead body and the body was sent for post mortem examination to A.M.C ,Dibrugarh. The PM report reveals that the "Cause of death is coma, resulting from head injury which is ante mortem and caused by blunt force impact".

During investigation the accused was arrested and sent to the court with a prayer to try the case by adding section 302 IPC. As the charge is found to be well established U/S 302 IPC charge sheet is submitted against accd Sunil Gogoi. *is enclosed with the charge sheet.* Copy of PM report. The witnesses mentioned in column 6 will substantiate the veracity of the case.

Ext. 4(1)

Sd/- Bipul Kataki

SD/-Illegible

Sub Inspector of Tingkhong

P.S.

Fdd to the CJM Dibrugarh through P.I. Dibrugarh Court.

Sd/-Illegible  
Officer in Charge  
Tingkhong Police Station  
Dist. Dibrugarh  
5.7.06



GOVERNMENT OF ASSAM  
OFFICE OF THE SUPERINTENDENT CENTRAL JAIL:  
DIBRUGARH

No. CJD/47/08/14 Date Dibrugarh the 2<sup>nd</sup> 01/2008

From : The Superintendent

Central Jail, Dibrugarh

To : The Asstt. Registrar (Judicial)

Hon'ble Gauhati High Court

Guwahati, Assam

Sub : Appeal petition of convict AC/ 650 Sunil Gogoi  
of Central Jail, Dibrugarh.

Sir

I have the honour to forward herewith an appeal petition dated 18.12.2007 submitted by the convict AC. 650 Sunil Gogoi of this Jail for favour of kind disposal by the Hon'ble Gauhati High Court, Guwahati, Assam. The convict was convicted by the Hon'ble Addl. Sessions Judge (FTC), Dibrugarh on 30.11.2007 in connection with Sessions Case No. 180/06 U/S 302 IPC and to suffer R.I. for life and pay a fine of Rs. 5000/- I/D R.I. for 02 months.

The copy of judgement enclosed herewith.

Enclosed:

1. Appeal petition in Original
2. Judgement copy of

1(one) No.  
7 (seven) sheets.

Yours faithfully  
Sd/- Illegible  
Superintendent  
Central Jail, Dibrugarh  
2.1.08

Memo No. CJD/47/08/14 Dated Dibrugarh the .....07

Copy forwarded to : The Hon'ble Addl. Sess. Judge, (FTC) Dibrugarh  
for favour of kind information.

Sd/- K.N. Sarma  
Superintendent  
Central Jail, Dibrugarh



Form No. 138,

S.C. No. 180/07

U/S 302 IPC

(This part of be sent to the Appellate Court)

**PETITION OF APPEAL**

Name of Prisoners : Sunil Gogoi

Offence; Murder

Sentence: R.I. For life, of fine Rs. 5000/- i/d R.I. for 2 months.

Date of sentence: 30.11.2007

Sentencing Authority : Addl. Sessions Judge (FTC), Dibrugarh

Date of petition for copy of judgement: 30.11.2007 & *free of cost*

Date on which copy was received by Jail: 1.12.07

The appeal of the above named prisoners together with copy  
of the judgement or order passed by in his <sup>case</sup> is herewith to the <sup>forwarded</sup>  
Asstt. Registrar (Judicial) Hon'ble Gauhati High Court, under the  
provisions of section 420 of the code of criminal Procedure.

Sd/-Illegible  
Superintendent  
Central Jail, Dibrugarh

Dibrugarh Central Jail  
Dated 2.1.2008

To

The Hon'ble the Chief Justice  
The Gauhati High Court at Guwahati

Through the Superintendent, Dibrugarh Central Jail.

Dt. 18.12.2007

Sub: Prayer for the retrial.

Petitioner: Sunil Gogoi, Lifer, Dibrugarh Central Jail.

Sir

Humble submission is that at present I am undergoing R.I. for life in Dibrugarh Central Jail, being convicted on 30.11.07 by the Additional Sessions Judge, Dibrugarh in Session Case No. 180/06 U/S 302 IPC, besides being ordered to pay a fine of Rs. 5000/- and in default to undergo further R.I. for two months.

I am not satisfied with the said judgment. Besides I am not in a position to appoint an advocate for retrial of my case by the High Court.

I, therefore, pray to you to order a retrial of my case by appointing an amicus curiae and to set me free and oblige.

Forwarded

Finis

Sd/- Illegible

Yours faithfully

Central Jail, Dibrugarh

Sd/- Sunil Gogoi

2.1.08

Sig. Attested

Sd/-Illegible

Asstt. Jailor

Central Jail, Dibrugarh

2.1.08



THE GAUHATI HIGH COURT.

(THE HIGH COURT OF ASSAM , NAGALAND, MEGHALAYA ,  
MANIPUR , TRIPURA, MIZORAM & ARUNACHAL PRADESH.)

Crl. Appeal No. 14(J)08

Sunil Gogoi .....Appellant/petitioner.

- Versus -

State of Assam,

Respondent/Opp. Party.

BEFORE

THE HON'BLE MR. JUSTICE AFTAB H. SAIKIA

THE HON'BLE MR JUSTICE HARISHIKESH ROY

For the Petitioner :

For the Opp. Party : P.P. Assam.

Order Dated : 28.3.08

ORDER

This Criminal Jail Appeal stands admitted to be heard.

Call for the relevant LCRs.

Issue usual notice.

Registry is directed to prepare the paper book of the case and immediately after completion and preparation of the paper book, let the matter be posted for order(s) for appointment of Amicus Curiae.

Sd/- Hrishikesh Roy

Judge

Sd/- Aftab H. Saikia

Judge