

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, 2017

Date: 07-01-2018 (Sunday)
Total Marks: 100

Time: 9.00 am to 12.00 pm
Duration: 3 Hours

PAPER – III

CONSTITUTIONAL LAW (40 marks)

[Answer any 4 (four)]

(4x10 marks=40 marks)

1. The decision of the nine-Judge Bench of the Supreme Court in August 2017 have re-affirmed the strength of the Constitutional protections given to fundamental rights, primarily in respect of guarantee of life and personal liberty in Article 21 of the Constitution. Explain. **10 marks**
2. When discrimination is meted out to equals without any rational basis, what is the remedy provided to an aggrieved person under the Constitution. Explain with illustrations. **10 marks**
3. Under the Constitution there is a three-fold distribution of legislative power between the Union and the States. Explain with reference to the particular provisions in the Constitution. Also explain what happens in case of conflict of powers between the Union and the State. **10 marks**
4. Write short notes on any two of the following : **2x5=10 marks**
 - (a) Right to Property.
 - (b) Writs that can be issued by the Supreme Court and the High Courts.
 - (c) The principal difference between Fundamental Rights and the Directive Principles of State Policy.
 - (d) The extent of power under the *proviso* to Article 309 of the Constitution.
5. Article 311(2) of the Constitution of India provides procedural safeguards to civil servants. Discuss and also point out the exceptions. Cite case laws. **10 marks**
6. PIL cannot be equated with political or private interest litigation. What are the general guidelines laid down by the Supreme Court to ensure that the process is not abused? Explain with case laws. **10 marks**

JURISPRUDENCE (20 MARKS)

[Answer any 4 (four)]

(4x5marks=20 marks)

1. Distinguish between right *in rem* and right *in personam* with illustrations.
2. Explain the doctrine of *stare decisis* and *ratio decidendi*.
3. Explain decisions rendered *per incuriam* and *sub-silentio*, with illustrations.
4. What is meant by negligence? Briefly indicate the theories of negligence.
5. Explain the mischief rule of interpretation.
6. Write a short note on the theories of punishment.

JUDGMENT WRITING

(40 marks)

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

PAPER BOOK

DESCRIPTION OF PAPERS	PAGES
F.I.R. Ext. 4-4(1)	1-2
Ejhar Ext. 3-3(1)	3
Charge	4
Commitment Order dated 23.9.2010 in G.R. Case No. 838/2012	5
Deposition of P.W.	
P.W. 1- Dr. Prodip Kumar Medhi	6
P.W.- 2 –Sri Nanda Kishor Kumar	7
P.W.- 3 –Sri Prakash Gupta	8
P.W.- 4 –Smti Koushaliya Devi	9
P.W.- 5 –Smti Anjana Devi	10
P.W.- 6 –Sri Nandiram Gogoi	11
P.W.- 7 –Smti Laljuri Devi	12
P.W.- 8 –S.I. Kamal Mohan	13
Deposition of C.W.	
C.W.-1- Smti Phulpatia Devi	14
Examination of accused person	15-16
Examination of accused person on the point of sentence	17-18
P.M. Report Ext. 1-1(1)	19-21
Seizure List Ext. 2-2(3)	22
Inquest Report Ext. 5-5(1)	23
Dead body challan Ext. 6-6(1)	24
Sketch map Ext. 7-7(1)	25-26
Arrest Memo Ext. 8-8(1)	27
Forwarding Letter Ext. 9-9(1)	28
Seizure List Ext. 10 -10(1)	29
Charge sheet Ext. 11 -11(2)	30-31

Ext. 4
S/C 123/10
Sd/- Illegible

Sd/- Illegible
C.J.M.

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)
G.R. No. 838/2010

1. District: Golaghat P.S.- Golaghat Year 2010
FIR No. 398 Date: 13.8.2010
2. (i) Act _____ Sections _____
(ii) Act IPC. Sections 302.
(iii) Act _____ Sections _____
(iv) Other Acts & Sections _____
3. (a) General Diary Reference: Entry No. _____ Time _____
(b) Occurrence of offence: Day: Friday Date 13.08.10. Time 7 A.M.
(c) Information received date: 13.8.2010 Time : 8.10 A.M.
G.D. No. _____ at the Police Station.
4. Type of Information: Written/Oral.
5. Place of occurrence:
(a) Direction and distance from P.S.- 8 K.M. West.
(b) Address: Rangajan Kumarpatty, Mza-Marangi, P.S.- Golaghat.

Beat No. _____
(c) In case outside limit of this Police Station than the Name of P.S.
_____ District _____
6. Complainant Information
(a) Name : Sri Nanda Kishore Kumar
(b) Father's Name: Lt. Kedar Kumar
(c) Date/Year of Birth: 57 yrs.
(d) Nationality: Indian.
(e) Passport No. _____ Date of Issue _____ Place of Issue _____
(f) Occupation: Cultivator.
(g) Address: Rangajan Kumarpatty, P.S. Golaghat.
7. Details of known/suspected/unknown accused with full particulars
(1) Sri Manoj Kumar
S/O- Sri Nanda Kishore Kumar
of Rangajan Kumarpatty, P.S. Golaghat.
8. Reasons for delay in reporting by the complainant/informant

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

10. Total Value of Property Stolen/involved _____
11. Inquest Report/ U.D. Case No. if any. _____
12. F.I.R. Contents (Attach separate sheet, if required)

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

13. Action taken: Since the above report reveals commission of offence (s) u/s as mentioned at item No. 2, registered the case and took up the investigation/directed S.I. Kamal Mohan investigate case to take up the investigation/transferred to Golaghat P.S. on point jurisdiction F.I.R. read over to the Complainant/Informant admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

Sd/- Nanda Kishore Kumar

Signature/Thumb impression of
The Complainant/Informant

Ext. 4(1)
Case No.
Sd/- Illegible
Sessions Judge
Golaghat
9-5-2013

Signature of the Officer-in-Charge,
Police Station with

Ext. 4(1)
S/C 123/10
Sd/- Illegible
Sessions Judge
Golaghat
9-5-2013

Name: Niren Neog, S.I.
Rank:
Number, if any:
Officer in-Charge
Golaghat P.S.

Ext. 3
Case No.
Sd/- Illegible
Session Judge
Golaghat
20-7-2012

GR No. 838/10

Seen
Sd/- Illegible
C.J.M.
Golaghat
14-8-10

EJAHAR

To
The Officer-in-charge
Golaghat Police Station

Date: 13-08-2010
Sub: Information with regard to murder

Sir,

Humble submission is that my son Sri Manoj Kumar, a resident of Village Rangajan Kumarpatti killed his wife Mira Devi by hacking with an axe inside his house at 7 am today.

I, therefore, request you to investigate into the incident and punish the guilty.

Yours faithfully

Ext. 3(1)
Case No.
Sd/- Illegible
Session Judge
Golaghat
20-7-2012

Sd/- Nanda Kishor Kumar
S/o Late Kedar Kumar
Rangajan Kumarpatty

Received and registered Golaghat P.S. C/ No.-398/10 U/S 302 I.P.C. Dt. 13-8-10.

Ext. 3(2)
S/C 123/10
Sd/-Illegible
Session Judge
Golaghat
9-5-2013

Sd/- Niren Neog, S.I.
Officer-in-charge
Golaghat P.S.
13/8/10

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

Sess. Case No. 123/2010

CHARGE WITH ONE HEAD
[No. XXVIII(I) SCHEDULE V. ACT 1838]
(Section 221, 222, 223 Code of Criminal Procedure)

(1) Name and office of Magistrate etc.

Shri P.K. Roy
Sessions Judge, Golaghat.

(2) Name of accused person

hereby charge you (2) Shri Manoj Kumar

as follows-

That you on or about the 13th day of August, 2010 at about 7 am at Rongajan Kumarpatty, under Golaghat Police Station of Golaghat district, caused death of your wife Smti Mira Devi, intentionally.

(3) State the offence

(3)

and hereby committed on offence punishable under Section 302 of the Indian Penal Code and within (4) my cognizance.

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

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

And I hereby direct that you be tried (5) by the said court and said charge.

Dated this 16th day of November, 2010

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

Sd/- Sessions Judge
Golaghat.

COMMITMENT ORDER

Date: 23-09-2010

Accused Manoj Kumar has been produced from the custody. He is remanded back to custody till 6/10/2010.

This case being exclusively triable by court of Session, this case is accordingly committed to the court of Hon'ble Sessions Judge.

The P.P. be notified.

Fixing 6/10/2010 for appearance.

Sd/- Manoj Kumar

Sd/- Illegible
C.J.M.
Golaghat.

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

FORM FOR RECORDING DEPOSITION

The Deposition of PW.1

Aged about 43 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878 before me, Sri P.K. Roy, Sessions Judge, Golaghat, this 7th day of February, 2011.

My name is Dr. Prodip Kumar Medhi
My father's name is Late Ganesh Chandra Medhi
I am by caste
Police Station
I reside at present in Mauza Golaghat town
District Golaghat

My house is at Mauza
District
Police Station Golaghat
Where I am Serving as Medical &
Health Officer-I at K.K. Civil
Hospital, Golaghat.

O.S.A.

That on 13.08.2010 I was serving as Medical & Health Officer 1 at K.K. Civil Hospital, Golaghat. On that day, as per Police requisition, I conducted autopsy over the dead body of one Smti. Mira Kumari, aged about 25 years in connection with Golaghat PS Case No. 398/2010 u/s 302 IPC. The dead body was escorted and identified by UBC/38 Sri Pradyut Borah of Golaghat P.S. and relatives viz. Sri Nanda Kishore Kumar, Sri Joylal Prasad and Sri Sanjay Prasad Kumar. The following are my finding and opinion. :-

External appearance.

Dead body of an adult female, healthy, white complexion, long blackhair, eyes and mouth closed and rigor mortise was present.
Injuries.

- 1) Lacerated injury on top of the scalp, triangular in shape, measuring 5 cm x 1.5 cm with depressed fracture of underlying bone. Also found fracture of both parietal and frontal bone.
- 2) An incised wound on occipital region, horizontal measuring 10 cm x 1.5 cm x 1.5 cm with fracture of underlying occipital bone.
- 3) Rupture on parieto- frontal and occipital region on dissection of brain, large extra-dural, sub-dural as well as, in cerebral haematoma found on frontal and occipital lobe with oedema and swelling of whole brain.
- 4) Other organs were found healthy.

In my opinion, the injuries are ante-mortem in nature and death was caused due to shock, haemorrhage as well as head injury sustained by the deceased.

Ext. 1 is my post-mortem report, wherein, Ext. 1(1) is my signature. Ext. 1(2) is the signature of Dr. A. Hazarika, Superintendent, K.K. Civil Hospital, Golaghat and Ext. 1(3) is the signature of Dr. Prafulla Borah, Joint Director, Health Services, Golaghat, which are known to me.

xx xx xx xx
I have not mentioned regarding the substance used at the time of causing such injuries.

RO & AC
Sd- Illegible
Sessions Judge, Golaghat.

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

Sess. Case No. 123/2010

FORM FOR RECORDING DEPOSITION

The Deposition of PW.2

Aged about 57 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878 before me, T. Lohar, Sessions Judge, Golaghat, this 20th day of July, 2012.

My name is Sri Nanda Kishor Kumar

My father's name is Late Kedar Kumar

I am by caste

Police Station Golaghat

I reside at present in Mauza Rangajan Kumarpatty

District Golaghat

My house is at Mauza

District

Police Station Illegible

Where I am Cobbler.

On S/A

I am the complainant of this case. Accused Manoj Kumar is my son. Deceased Mira Devi was my daughter-in-law (son's wife). The occurrence took place around 6/7 a.m. on 13.08.2003. At the time of the occurrence I was digging earth by the side of 'ali' (an embankment across a rice field, a road, a highway) for making earthen plots such as jar, pitcher, etc. with it. Accused person's youngest son Niranjan Kumar (aged about 2 years at the time of occurrence) asked my wife Fulpatia Devi to bring some medicine for his mother. My wife Fulpatia Devi went inside the house of Niranjan's mother to have a look at her and found Mira Devi lying dead. My wife gave me the information. Then I went to Nandi Gaonburha's (village headman) house to give the information. Nandi Gaonburha came. Witnessing the incident the village people became excited and assaulted me with I was returning home from the house of Nandi Gaonburha. They also caused damage to our house. I did not even have a look at my daughter-in-law. On the day of the occurrence itself, I lodged an ejahar with the police station. Ext. 3 is the ejahar and Ext. 3(1) is my signature.

XX

XX

XX

XX

My wife, son Manoj Kumar, daughter-in-law, Mira Devi (since deceased), grandson, granddaughters, I myself- we all lived together.

We altogether 8 (eight) members live in an undivided family. My son Jitendra Kumar was living in Meghalaya from before the occurrence.

x x Cross Examination x x

I do not know how my daughter-in-law Mira Kumari died. No people visit my house since I have cases over landed properties.

I do not remember who wrote the ejahar for me.

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

Sess. Case No. 123/2010

FORM FOR RECORDING DEPOSITION

The Deposition of PW. 3

Aged about 28 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878 before me, T. Lohar, Sessions Judge, Golaghat, this 20th day of July, 2012.

My name is Sri Prakash Gupta
My father's name is Late Mahesh Gupta
I am by caste
Police Station Golaghat
I reside at present in Mauza Rangajan
District Golaghat

My house is at Mauza
District
Police Station Illegible
Where I am Business

On S/A

Accused Manoj Kumar's (house) is near that of mine. He took deceased Mira Devi home from Bihar after marrying her. One day, about two years ago, Mira Devi died in the house of the accused. I heard a quarrel taking place in the house of accused Manoj Kumar in the morning on the day of occurrence as I live at a distance of only 2 (two) 'nal' (a measuring pole). I went to my shop and returned home at 7 p.m. (That day) I went to shop at 6 a.m. After my return from the shop I came to know that Manoj's wife Mira Devi died immediately after the quarrel. Manoj Kumar left for surrendering himself in the thana. I did not know anything after the that. Frequent quarrels take place in the house of the accused. Therefore, I did not give importance to it. The neighbours do not go to the house of the accused. I did not go to have a look at the deadbody of the deceased.

x x Cross Examination x x

The neighbours of the village said that the accused had killed his wife. But I do not remember from whom I had heard it.

Long days before the occurrence we had some cases over land. We have no visiting terms with the accused person's family members.

The accused surrendered himself in the thana after committing the offence. I heard it, but did not see it myself.

Sd/- Illegible.
Sessions Judge, Golaghat.

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

Sess. Case No. 123/2010

FORM FOR RECORDING DEPOSITION

The Deposition of PW. 4

Aged about 60 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878 before me, T. Lohar, Sessions Judge, Golaghat, this 20th day of July, 2012.

My name is Smti Koushaliya Devi
My father's name is W/o- Late Krishna Kumar
I am by caste
Police Station Golaghat
I reside at present in Mauza Rangajan
District Golaghat

My house is at Mauza
District
Police Station Illegible
Where I am Homemaker Dependent

On Oath

I know accused Manoj Kumar. I knew his wife (Smti) Mira Devi. She died two years ago. The house of the accused is some distance away from that of mine. A good number of people gathered in the accd person's courtyard in the morning of the day of the occurrence. I also went there for a look. I came to know from the people that accused Manoj had cut his wife Mira Devi to death. Many people gathered there. One of them had said. We have no speaking term with the accused.

x x Cross Examination x x

Declined

Sd/- Illegible.
Sessions Judge, Golaghat.

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

Sess. Case No. 123/2010

FORM FOR RECORDING DEPOSITION

The Deposition of PW. 5

Aged about 19 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878 before me, T. Lohar, Sessions Judge, Golaghat, this 13th day of Sep, 2012.

My name is Smti Anjana Devi

My father's name is Sri Nanda Kishor Kumar

I am by caste

Police Station Golaghat

I reside at present in Mauza Rangajan Kumarpatty

District Golaghat

My house is at Mauza

District

Police Station Illegible

Where I am Dependent

On S/A

Accused Manoj Kumar is my elder brother. Deceased Mira Devi was the wife of Manoj Kumar. One morning about two years ago Mira Devi died. I saw her dead body in one room of our house. It was my elder brother's (accused) room. The body was lying on the ground.

Accused Manoj Kumar's son Niranjan was crying. He was crying, saying 'O mother, o mother'. He was a three years old boy. By holding my hand the boy went to the room where Mira Devi's deadbody was lying.

There are seven members in our family, namely, father Nanda Kishor, mother Fulpatia Devi, 'bhaity' (younger brother), Jitendra Kumar (who does not stay at home, moves around in a vehicle), Niranjan, Manoj Kumar and myself. All of us were present on the day on which Mira Devi died.

I do not know where accused Manoj was.

Police came. They had a look at the deadbody of sister-in-law. They took my signature in the inquest report. My name is Anjana Kumari.

I put my signature in Ext. 2, the seizure list Ext. 2(1) is my signature.

At this stage, this witness has been declared as hostile witness.

x x Cross Examination x x

It is not true that I stated to the police that I showed the axe that elder brother had left behind after killing sister-in-law. Police seized the axe. I put my signature as witness.

It is not true that I showed to the Police the axe with which elder brother had killed sister-in-law and the police seized it.

It is not true that I have made false statement in order to save my elder brother, the accused.

x x Cross Examination x x

I have not witnessed any incident.

I do not know how sister-in-law died.

Police obtained my signature inside the house. They obtained it in a plain paper.

Sd/- Illegible.

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

Sess. Case No. 123/2010

FORM FOR RECORDING DEPOSITION

The Deposition of P.W.-6

Aged about 35 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me T-Lohar, Sessions Judge, Golaghat.

This 1st day of Oct. 2012

My name is : Sri Nandiram Gogoi
My father's name is : Lt. Umakanta Gogoi
I am by caste :
Police Station : Golaghat
I reside at present in Mouza : Dhulia Gaon
District : Golaghat

My house is at Mouza
District :
Police Station :
Where I am Deponent Cultivator

On S/A,

I know accused Manoj Kumar. I also knew his wife Mira Devi.

Mira Devi died one day in 2010. At about 10/11 a.m. on the day of occurrence, I came to know from the village people that Mira Devi died. I saw her lying dead in the courtyard Police arrived there in the meantime. They seized an axe from the house of the accused and I put my signature in the seizure list. It was a small size axe.

The axe was seized through ext.2, the seizure list. I put my signature on Ext.2(2) in the seizure list.

The axe was not stained. M.Ext.1 is the said axe.

X X X X Cross examination X X X X

The axe was seized. Asked by police, I put my signature.
Police did not say anything.

RO & AC
Sd/- Illegible

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

Sess. Case No. 123/2010

FORM FOR RECORDING DEPOSITION

The Deposition of PW. 7

Aged about 32 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878 before me, T. Lohar, Sessions Judge, Golaghat, this 13th day of Sep, 2012.

My name is Smti Laljuri Devi
My father's name is W/O Sri Sotelal Rout
I am by caste
Police Station Golaghat
I reside at present in Mauza Rangajan Dhuliagaon
District Golaghat

My house is at Mauza
District
Police Station
Where I am Housewife

On S/A

I know accused Manoj Kumar. Deceased Mira Kumari was the wife of the accused.
The incident took place in one morning about two years back.

At the time of the occurrence, I was plucking flowers in the garden. Father of the accused was sitting in the outside.

Accused Manoj came out from inside the house crying, his mother also came out. I witnessed the incident as well as heard it.

Accused Manoj, his mother and father talked something. After that, his father also began crying and he fell down. Accused Manoj boarded a vehicle (mini bus) in front of my house and left somewhere.

Two or three hours after that I learnt that Smti Mira Devi had been murdered.

Accused's father called out, " Manoj! Manoj!. The accused left the place without giving any reply. I had never visited the house of the accused. I do not visit them even now. His mother comes to my house.

x x Cross Examination x x

The house of accused Manoj and that of mine are adjacent to each other. I do not notice what incident takes place at other's house.

I did not go to the accused person's house. Nor did I witness the incident.

Sd/- Illegible.

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

Sess. Case No. 123/2010

FORM FOR RECORDING DEPOSITION

THE Deposition of P.W.-8

Aged about 58 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me T-Lohar, Sessions Judge, Golaghat.

This 9th day of May, 2013

My name is : S.I. Kamal Mohan

My father's name is : Lt. Upen Mohan

I am by caste :

My house is at Mouza

Police Station :

District :

I reside at present in Mouza

Police Station :

District :

Where I am I/C, Forkating Outpost

On S/A,

On 13.08.2010, I was in Golaghat P/S as S.I. of Police. By lodging a written ejahar with the P.S. that day, Nanda Kishor Kumar, a resident of Rangajan Kumarpati gaon informed that his son Manoj Kumar had killed his wife with an axe.

The then officer-in-charge, upon receipt of the ejahar, registered Golaghat P.S. Case No.398/2010 U/S 302 of IPC and gave me the charge of investigation. Ext.3 is the ejahar, Ext.3(2) is officer-in-charge Niren Neog's signature with seal.

Ext.4 is the printed FIR Form, Ext.4(1) is the signature of Officer-in-charge Niren Neog. Ext.4(2) is complainant Nanda Kishor's signature.

I visited that place of occurrence. The complainant and the accused live in the same house. Of course, their rooms are separate. I examine the witnesses. The deceased was lying on the floor of her bed room. I held inquest on the dead body. After that, I sent the body to hospital for post mortem examination.

Ext.5 is the inquest report. Ext.5(1) is my signature. Ext.6 is the deadbody challan. Ext.7 is the sketch map of the place of occurrence and Ext.7(2) is my signature.

The axe.....(the sentence is unintelligible- Translator), Ext. 2 is the seizure list and Ext. 2(3) issignature.

The axe is 2 foot 3 inches long including the handle. It is bamboo handle. The overall length of the axe is 2 ½ feet. A rope was found tied to the axe.

Mat Ext. 1.....(unintelligible)

Manoj Kumar surrendered himself in the thana. I interrogated Nanda Kumar. Ext. 4 is the Arrest Memo.

.....(illegible) accused Manoj Kumar's signature.

The accused was committed to the court on 14.08.2010. Ext. 9 is the committal letter. Ext. 9 (.....) is my signature.

I sent the seized article to the court.

Ext. 10.....(illegible). Ext 10(1) is my signature.

Ext. 11 is charge sheet. Ext. (11) is my signature. Ext. 11(2) is

X X X X X Cross Examination X X X X

Witness Nanda Kishor did not tell me to have witnessed the occurrence with his own eyes.

P.W. Anjana Devi did not tell me to have witnessed the occurrence with her own eyes.

I did not seize the axe (weapon of offence) in front of Nanda Kishor.

I did not send the blood-stained axe (seized) to the serologist for examination.

It is not true that the complainant father had not introduced his accused son to me.

It is not true that Nanda Kishor had not shown the axe (seized) to me.

It is not true that having not found the real accused, I made Mira Devi's husband Manoj Kumar an accused in this case.

It is not true that I did not recover the seized axe (Mat Ext. 1) from inside the accused person's house.

RO & AC
Sd/- Illegible

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

Sess. Case No. 123/2010

FORM FOR RECORDING DEPOSITION

The Deposition of C.W. 1

Aged about 60 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878 before me, T. Lohar, Sessions Judge, Golaghat, this 28th day of March, 2014.

My name is Smti Phulpatia Devi

My father's name is W/o Sri Nanda Kishor Kumar

I am by caste

Police Station Golaghat

I reside at present in Mauza Rangajan Kumarpatty

District Golaghat

My house is at Mauza

District

Police Station Illegible

Where I am Dependent

On S/A

Accused Manoj Kumar is my son, Jitendra Kumar is my youngest son. Complainant Nanda Kishor is my husband. The accused took his wife by marrying from Bhojpur of Bihar. A son was born to them. Now the boy is six years old. I was outside the house at the time of occurrence. The occurrence took place at 7 o' clock in the morning. My husband was also in outside. At the time of the occurrence, accused and his wife (since deceased) were at home. Jitendra had gone for driving. I was $\frac{3}{4}$ 'nal' away from where the accused and his wife were inside the room. The baby was crying inside the room. I went into the room and found the accused's wife dead. I did not go inside the room. Village people came after that. They entered the room and coming out, they assaulted me. I did not enter the room out of fear. I had no speaking terms with the daughter-in-law. Husband Nanda Kishor was with me. He did not go inside the room.

Till today, I do not know how the accused's wife Mira Devi died.

My grandson went to call me. On the day of occurrence I went out from the house, the sun had already risen. I do not know the time. After the occurrence, I did not see Mira Devi. Till today, I have not asked accused Manoj how his wife Mira Devi died. Accused Manoj is my own son. He lives with me. Mira Devi's parents were no more.

At the time of the occurrence, accused Manoj and his wife Mira were present.

x x Cross Examination x x by defence

It was deceased Mira Devi's baby who informed me that (his mother) Mira Devi had died.

The baby told me that his mother had been suffering from fever.

The baby had been too young at that time, and therefore, who informed me about the occurrence, I do not know.

Police took away the deadbody.

I do not know where accused Manoj had left immediately after the occurrence. Police did not ask my anything.

I do not know if there were any quarrels between the accused and the deceased.

I do not know what happened to Mira Devi's deadbody thereafter.

Sd/- Illegible.

Assam Schedule VIII, Form No. 99
High Court Criminal Form No. (M) 85

Sess. Case No. 123/2010

FORM FOR RECORDING EXAMINATION OF ACCUSED

(Section 364 of the Criminal Procedure Code)

The examination of accused Manoj Kumar. Aged about 32 years, taken before me T. Lohar, Sessions Judge at Golaghat on the 23rd day of May 2013 in the Assamese language interpreted by me.

My name is Sri Manoj Kumar

My father's name is Sri Nanda Kishor Kumar

I am by caste _____ by occupation Business

My hone is at Mouza Morangl Police Station Golaghat District Golaghat I reside at Rangajan Kumarpattay Gaon

Q.1 : PW-1 Dr. Pradip Kumar Medhi has averred in evidence that on 13.08.2010 he held post mortem examination on the body of deceased Mira Kumari in K.K. Civil Hospital at Golaghat when he found three grave injuries in the head of the deceased. He opined that the said injuries were ante mortem and that deceased Mira Kumari succumbed to those injuries. What do you have to say in this regard ?

Ans : I do not know how Mira Kumari sustained those injuries.

Q.2 : PW-2 Nanda Kishor has averred in evidence that deceased Mira Devi was your wife, i.e. his daughter-in-law, and that you are his son. What do you have to say ?

Ans : Yes, Mira Kumari (deceased) was my wife.

Q.3 : PW-2 has also stated that your son Niranjan Kumar was two years of age on the day of the occurrence, i.e. on 13.08.2010, that Phulpatia Devi was asked to take medicine for the said boy's mother, i.e., your wife (since deceased), that Phulpatia went into the room to have a look at Niranjan's mother and found Mira Devi lying dead. What do you have to say ?

Ans : Yes, my wife Mira Kumari was lying dead inside the house.

Q.4 : PW-3 Prakash Gupta has averred in evidence that he lives near your house, that he heard a quarrel taking place inside your house on the day of the occurrence, that after returning from shop he learned that your wife Mira Devi had died. What do you say ?

Ans : Yes, a quarrel took place. After that Mira Died.

Q.5 : PW-3 has also stated that Mira Devi died night after the quarrel and that immediately thereafter, you left for surrendering in the thana. What do you say ?

Ans : Yes, I surrendered myself in the thana after my wife Mira Kumari's death. Because I quarreled with her.

Q.6 : The said witness has further stated that frequent quarrels used to take place in your house. What do you say ?

Ans : Yes, my wife Mira Kumari used to quarrel.

Q.7 : PW-4 Smti Koushaliya Devi has adduced in evidence that she found many people gathering at your courtyard in the morning of the day of the occurrence, that she, too, went there and came to know from those people that you had cut your wife Mira Devi to death. What do you say ?

Ans : I have nothing to say.

Q.8 : PW-5 Smti Anjana Devi has adduced in evidence that you are her elder brother and that deceased Mira Devi was your wife. What do you say ?

Ans : Yes, PW-5 Smti Anjana Devi is my younger sister. Deceased Mira Devi was my wife.

Q.9 : PW-5 Smti Anjana Devi has further stated that on the day of the occurrence, she herself, your son Niranjan, your wife Mira Devi, her father Nanda Kishor, mother Phulpati Devi and you were present in your house. What do you say ?

Ans : Yes, we were there.

Q.10 : PW-6 Nandiram Gogoi has averred in evidence that he learnt from the village people at about 10/11 am on the day of the occurrence that Mira Devi had died, that he saw the deceased in the courtyard and that police seized an axe from your house : What do you say ?

Ans : Police seized an axe.

Q.11: PW-7 Smti Laljuri Devi has stated in evidence that the occurrence took place in one morning about two years ago; that at the time of occurrence she was plucking flowers in the garden. What do you have to say ?

Ans : I have nothing to say.

Q.12: PW-7 Smti Laljuri Devi has further stated that your father was sitting outside that you came out from inside the house, that your mother came out, crying, that thereafter, you talked with your parents, that your father fell down, weeping; and that you left somewhere by boarding a bus. What do you have to say ?

Ans : (I have) nothing (to say).

Q.13: This witness has further stated in evidence that your father called you, "Manoj Manoj" . But you left, saying nothing. What do you say ?

Ans : Yes, I went away to surrender in the thana.

Q.14: PW-7 Smti Laljuri Devi has stated in cross examination that her house and that of yours are contiguous to each other. What do you have to say in this regard ?

Ans : Yes, Laljuri's is near my house.

Q.15: PW-8 Komal Mohan, SI of Police, has averred in evidence that your father Nanda Kishor lodged an ejahar on 13.08.2010 informing that you had killed your wife with an axe. What do you say ?

Ans : Yes, I have nothing to say.

Q.16: The said witness has further stated that he seized an axe, finding it near the deadbody in the bedroom of the accused. What do you have to say ?

Ans : Nothing to say.

Q.17: PW-8 has also stated in evidence that you surrendered yourself in the thana. What do you say ?

Ans : Yes, I surrendered myself in the thana.

Q.18: Do you have anything to say ?

Ans : Nothing.

Q.19: Will you cite any defence witness :

Ans : I won't.

Sd/- Manoj Kumar

(Signature or mark of the accused)

The above examinations are taken by me and contains full and true account of the statement made by the accused person.

Sd/- Illegible

(Signature of Magistrate)

Assam Schedule VIII, Form No. '99
High Court Criminal Form No. (M) 85

Sess. Case No. 123/2010

FORM FOR RECORDING EXAMINATION OF ACCUSED

(Section 364 of the Criminal Procedure Code)

The examination of accused Manoj Kumar under Section 313 of CrPC. Aged about 33 years, taken before me T. Lohar, Sessions Judge at Golaghat on the 28/3/2014 in the Assamese language interpreted by me.

My name is Sri Manoj Kumar

My father's name is Sri Nanda Kishor Kumar

I am by caste _____ by occupation Business

My home is at Mouza Morangji Police Station Golaghat District Golaghat I reside at Rangajan Kumarpattay Gaon

Q.1 : CW1 Smti Phulpatia Devi has averred in evidence that you and your deceased wife were present at the time of the occurrence and were inside the room. What do you have to say in this regard ?

Ans : I was inside the room.

Q.2 : CW Smti Phulpatia has also stated in evidence that till that day she did not know how your wife Mira Devi died. What do you have to say ?

Ans : She told a lie.

Q.3 : The said CW has further stated that Mira Devi and you were present at the time of the occurrence; What do you say ? What do you have to say ?

Ans : I have nothing to say.

Q.4 : Do you have anything to say in this case ?

Ans : Nothing.

Q.5 : Will you cite defence witness ?

Ans : No, I won't.

Sd/- Manoj Kumar

(Signature or mark of the accused)

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

Sd/- Illegible

(signature of Magistrate)

Assam Schedule VIII, Form No. 99
High Court Criminal Form No. (M) 85

Sess. Case No. 123/2010

FORM FOR RECORDING EXAMINATION OF ACCUSED

(Section 364 of the Criminal Procedure Code)

The examination of Hearing of the accused U/S 235(2) of CrPC Aged about 33 years, taken before me T. Lohar, Sessions Judge at Golaghat on the 16/5/2014 in the Assamese language interpreted by me.

My name is Sri Manoj Kumar

My father's name is Sri Nanda Kishor Kumar

I am by caste _____ by occupation Business

My home is at Mouza Morangi Police Station Golaghat District Golaghat I reside at Rangajan Kumarpattay Gaon

Q.1 : The case of committing offence U/S 302 IPC has been proved against you and you have been convicted under the said section. The said section provides death sentence, RI for life and fine as punishment. What do you say regarding the punishment?

Ans : Lesser punishment may kindly be given to me.

Sd/- Manoj Kumar

(Signature or mark of the accused)

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

Sd/- Illegible

(Signature of Magistrate)

Ext. 1
Case No.
Sd/- Illegible
Sessions Judge
Golaghat
7-2-2011

ASSAM SCHEDULE XLIII (Part I), Form No. 24

POST MORTEM REPORT

Ref: Golaghat P.S. Case No. 398/2010 Dt. 13.8.10 US 302 IPC.

Station : K.K.C.H., Golaghat.
Day of : 13-08-2010

Name, Sex, age and caste:

Late Mira Kumari, 25 years, F/H.

Where brought Village and Thana:

Golaghat P.S.

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

UBC-38 Pradyut Bora, GLT-PS
Sri Nanda Kishore Kumar
Sri Joylal Prasad
Sri Sanjay Prasad Kumar

Date and Hour of

Despatch : By private vehicle.
Arrival at dead house : 12 Noon on 13/8/10

Examination : 1 PM on 13/8/10

Information furnished by Police : As per inquest report.

By whom identified before Medical Officer:

UBC-38 Pradyut Bora, GLT-PS
Sri Nanda Kishore Kumar
Sri Joylal Prasad
Sri Sanjay Prasad Kumar

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

I. EXTERNAL APPEARANCE

1. Condition of subject stout emaciated, decomposed etc:

Dead body of an adult female, healthy, while complexion, long black hair, eyes & mouth closed and rigor mortis present.

2. **Wounds – position and character:**

Lacerated injury on top of the scalp triangular in shape, 5 cm x 1.5 x 2.5 cm with depressed fracture of underlying bone. Also fracture of both parital & frantal bone. Incised wound on occipital region horizontal – 10 x 1.5 x 1.5 cm with fracture of underlying occipital bone.

3. **Bruise Position size and nature:**

Nil.

4. **Mark of ligature on neck dissection etc.**

Nil.

II. CRANIUM AND SPINAL CANAL

1. **Scalp, Skull, Vertebrae**

As described under ext appearance.

2. **Membrane**

Rupture on parito frontal & occipital region.

3. **Brain and spinal cord**

Brain large extradural, subdural as well as intercerebral hematoma on frontal and occipital lobe with oedema & swelling of whole brain. Spinal cord health.

III. THORAX

- | | |
|------------------------------|--|
| 1. Walls ribs and cartilages | : Healthy |
| 2. Pleurae | : Healthy |
| 3. Larynx and trachea | : Healthy |
| 4. Right Lung | : Healthy but pale |
| 5. Left Lung | : Healthy but pale |
| 6. Pericardium | : Healthy |
| 7. Heath | : Rt. Chamber-dark coloured blood
Lt. Chamber-empty |
| 8. Vessels | : |

IV- ABDOMEN

- | | |
|-------------------------------------|--|
| 1. Walls | : Healthy |
| 2. Peritoneum | :Healthy |
| 3. Mouth, pharynx, aesophagus | : Healthy |
| 4. Stomach and its contents | : Contains undigested food materials |
| 5. Small intestine and its contents | :Contains semi-digested food materials |
| 6. Large intestine and its contents | : Contains faeces |
| 7. Liver | : Healthy but pale |
| 8. Spleen | : Healthy but pale |
| 9. Kidneys | : Healthy but pale |
| 10. Bladder | : Healthy but pale |

**11. Organs of generation external
and internal : Healthy**

V. MUSCLES, BONES AND JOINTS

- 1. **Injury : As described under cranium & ext appearance.**
- 2. **Disease or deformity : Nil.**
- 3. **Fracture : Fracture frontal & parital bone
Fracture occipital bone**
- 4. **Dislocation : Nil.**

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

- Lacerated injury on top of the scalp with fracture of underlying bone.
- Horizontal incised wound on occipital region of the scalp with fracture of occipital bone size- 10 x 1.5 x 1.5 cm.
- Large extradural, subdural as well as intercerebral haematoma on frontal & occipital lobe with oedema & swelling of whole brain.
- The injuries are ante-mortem in nature.

**ASSISTANT SURGEON
OPINION OFAS TO CAUSE OF DEATH
SUB- ASSISTANT SURGEON**

Death in my opinion is due to shock, haemorrhage as well as head injury sustained by the deceased

Ext. 1(1)
Case No.
Sd/- Illegible
Sessions Judge
7-2-2011

Sd/- Illegible.
(Dr. Pradip Kr. Medhi)
Medical & Health Officer
K.K. Civil Hospital, Golaghat

The 13th day of August 2010

ASSISTANT SURGEON OF

SUB-ASSISTANT SURGEON

REMARKS BY CIVIL SURGEON

Ext. 1(2)
Case No.
Sd/- Illegible
Sessions Judge
7-2-2011

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

Ext. 1(3)
Case No.
Sd/- Illegible
Sessions Judge
7-2-2011

Sd/- Illegible.
Joint Director of Health Services
K.K. Civil Hospital, Golaghat

The _____ day of _____

Signed _____
Civil Surgeon of _____

Ext. 2
Case No.
Sd/- Illegible
Sessions Judge
7-2-2011

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

SEIZURE LIST

M.R. No. 140/2010

Ref: Golaghat P.S. Case No. 398/2010 U/S 302 IPC Dt. 13.08.2010

In connection with the case referred to above, I, Shri Kamal Mohan, ASI of Police, Golaghat PS, do hereby seize an axe described below upon finding it lying on the ground near the deceased. The witness showed the axe, stating that accused Sri Manoj Kumar, S/O Sri Nanda Kishore Kumar, a resident of Rangajan Dhulia Kumarpatty gaon under Golaghat PS had killed his wife by hacking with it and had left it behind. The seizure is done in presence of the witnesses.

Time & date of seizure: At 10 AM on 13.08.2010.

Place of seizure: Place of occurrence, i.e., the bedroom of the accused and the deceased.

Description of the seized article:

An axe. It is 2 feet 3 inches long including the bamboo handle. The axe is about 7 inches long. It is stained with blood. A cotton rope is tied to the handle.

M. Ext. 1
Sd/- Illegible.

Signature of witnesses:

1. Sd/- Miss Anjana Kumari
D/o Sri Nanda Kishore Kumar
Vill-Rangajan Dhulia Kumarpatty Gaon
P.S. -Golaghat.

Ext. 2(1)
Sd/- Illegible
Sessions Judge
Golaghat
13/9/2012

2. Sd/- Nandi Ram Gogoi
S/o Late Umakanta Gogoi
Vill- Dhulia y Gaon
P.S. -Golaghat.

Ext. 2(2)
Sd/- Illegible
Sessions Judge
Golaghat
1/10/2012

3. Sd/- Anil Kumar
S/o- Late Gojanand Kumar
Vill-Dhulia gaon, Kumarpatty
P.S.- Golaghat.

4. Sd/- Umar Khan
S/o- Late Anuwar Khan
Vill- Dhulia gaon, Kumarpatty
P.S.- Golaghat.

Sd/- Kamal Mohan

Ext. 2(3)
Sd/- Illegible

Ext. 5
S/C 123/10
Sd/- Illegible
Sessions Judge,
Golaghat
9-5-2013

INQUEST REPORT

Ref: Golaghat P/S Case No. 398/2010 U/S 302 IPC, Dt. 13-08-2010.

Now, having arrived at Dhulia, Vill-Kumarpatty along with const. 38 Pradyut Bora in connection with the above mentioned case, I, Sri Kamal Mohan, ASI of Police, Golaghat P/S, do hereby hold inquest on the body of deceased Mira Kumari, W/o Sri Manoj Kumar, upon its identification by Smti Anjana Kumari, a member of the family of the deceased, to the following effects.

The deceased is found lying east and west, with her face down in the bedroom. The deceased was about 25 years of age. The complexion is fair and the height is about 5 ½ feet. The hair of the head is about 2 ½ feet long. The legs are wide apart and the hands are stretching frontward. The wearings of the deceased consist of a rose colour 'sari', a banana leaf colour 'blouse' and a red petticoat. The deadbody is examined after taking it out to the open from inside the house. A three inch size injury is found in the back of the deceased. Injuries are found in the backside near the right ear and in the left side of the back head. Injury is found in the head. The eyes and the mouth of the deceased are found closed. The fists are slightly open. Blood is found in the head and body of the deceased.

The deadbody is examined minutely. Although it is learnt that the death of the deceased was caused by hacking with an axe, I am sending the body to Golaghat Civil Hospital for a post mortem examination in order to ascertain the actual cause of death.

Ext. 5(1)
Case No
Sd/- Illegible.

Sd/- Kamal Mohan

Signature of witnesses.

1. Sd/- Miss Anjana Kumari
D/o Sri Nanda Kishore Kumar
Vill-Rangajan Dhulia Kumarpatty Gaon
P.S. -Golaghat.
2. Sd/- Late Ranjan Khan
S/o- Late Anowar Khan
Vill-Dhulia Kumarpatty
P.S.- Golaghat.
3. Sd/- Nandi Ram Gogoi
S/o- Late Umakanta Gogoi
Vill-Dhulia gaon
P.S.-Golaghat
4. Sd/- Anil Kumar
S/o- Late Gajananda Kumar
Vill-Dhulia gaon
P.S.- Golaghat.

Ext. 6
S/C 123/10
Sd/- Illegible
Sessions Judge,
Golaghat
13-9-2013

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

CHALAN FOR USE WHEN A DEAD BODY IS SENT FOR EXAMINATION

Ref: Golaghat P.S. Case No. 398/2010 U/S 302 IPC Dt. 13.08.2010.

Name and caste of deceased

Mira Kumari
-Hindu-

Sex- Female.

Residence- Rangajan Dhulia Kumarpatty Gaon
P.S.- Golaghat, Dist- Golaghat.

Where body was found – In the house of deceased.

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

13/08/2010 at 11 AM, 8 KM

Means of dispatch- Ambassador car

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

- (1) UBC-38 Pradyut Bora, GLT-PS.
- (2) Sri Nanda Kishore Kumar- Dhulia Kumarpatty Gaon
- (3) Sri Joylal Prasad
- (4) Sri Sanjay Prasad Kumar

Marks on the body- As per inquest report.

Cause of death- Not known

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

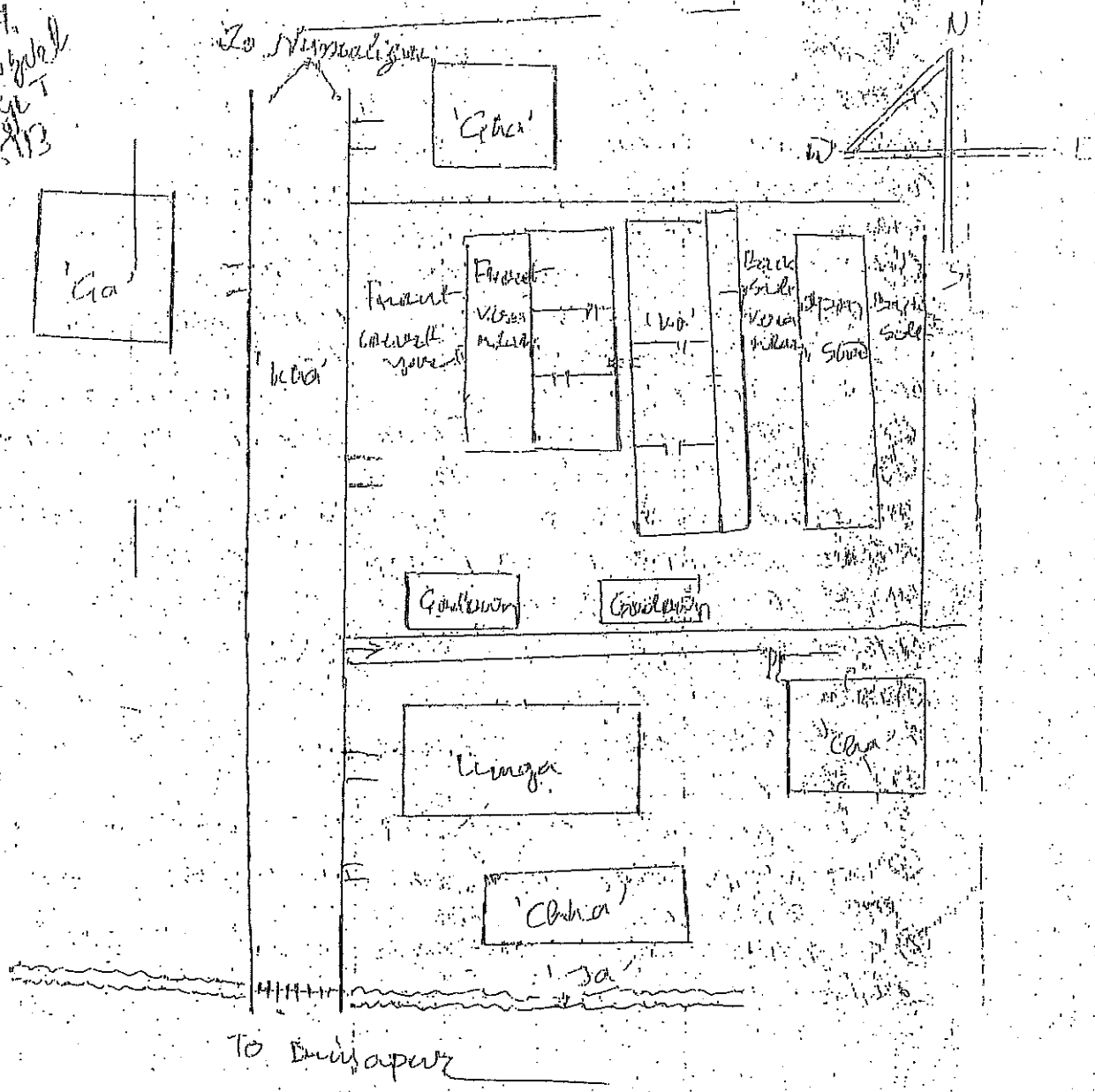
Sd/- Kamal Mohan

Ext. 6(1)
Sd/- Illegible

Proj. Guldberg & Sene No. 298/2010, d. 5. 2012

Dato: 13.08.10

Proj. 7.
S. J. G.
9/13



Signature of witnesses:

1. Sd/- Miss Anjana Kumari
D/o- Sri Nanda Kishor Kumar
Vill-Rangajan Kumarpatty Gaon
P.S.- Golaghat.
2. Sd/- Nanda Ram Gogoi
S/o- Late Umakanta Gogoi
Vill- Dhulia gaon
P.S.- Golaghat.
3. Sd/- Anil Kumar
S/o- Late Gojanand Kumar
Vill- Rangajan Dhulia Kumarpatty
P.S.- Golaghat.

Drawn by me
Sd/- Kamal Mohan

Ext. 7(1)
Case No.
Sd/- Illegible

Index

1. (Ka) indicates the place of occurrence. The P.O. is complainant's residence which has two houses. Each house has 3 rooms. The front house is about 33 feet long. Each room is 10 feet in length and breadth. The house in the rear is 43 feet long. Each room is 14 feet in length and breadth. The northern room of the house is the bedroom of the accused and the deceased. The houses are tin, wood and bamboo made. The floors are 'kuccha' (not plastered). There are two beds in the room where the deceased was killed, one in on the floor and the other above the ground. Cooking utensils, sitting furniture and other articles are found in the room. Blood marks are found in the place where the head of the deceased was lying. The room has two other adjoining rooms. One is open and the other closed. The middle room has a wooden doors in the backside. There is a door leading to the front room. In the backside. There is a door leading to the front room. In the backside, there is an open verandah. Across the verandah, there is an open shed, having no walls. In the front side, there is a verandah, which is tin and bamboo having bamboo walls. In front of the verandah, there is the front courtyard. There are two small godowns in the south of the house. 39 No. National Highway is adjacent to the courtyard. The homesteads of the witnesses are in the north, west and south of the P.O. The distance is about 15 meters, 25 meters and 30 meters. The Rangajan river and the Dhulia High School are half a kilometre south of the P.O.
- 2 (Kha) indicates the 39 No. National Highway, adjacent to the P.O.
- 3(Ga) indicates witness Smti Puspha Devi's homestead, about 25 meters from the P.O.
- 4 (Gha) indicates witness Sri Prakash Gupta's homestead about 15 meters from the P.O.
- 5 (Unga) indicates PW Smti Laljari Devi's homestead about 15 meters from the P.O.
- 6 (Cha) indicates PW Smti Koishaila Devi's homestead about 25 meters from the P.O.
- 7 (Chha) indicates the Dhulia High School in the south of, and about half a kilometre from the P.O.
- 8 (Ja) indicates the Rangajan river in the south of, and about half a kilometre from the P.O.

Sd/- Illegible

7/5/13 ARREST MEMO
WRITE PETITION (ORIGINAL) NO. 599 OF 1986 AND 592 OF 1997.

- 1) Name of Accused: Sri Momeny Kumar,
S/O Sri Namaha Kishor Kumar,
- 2) Case Reference: NH - Ranggam, Dhulia, Kuman patty, Goa.
P.S. - Golaghat, Dist - Goa.
Case no. 398/2010 U.D. 302 IPC
DT - 13.8.2010.
- 3) Ground of Arrest: Accused of above reference case.
- 4) Signature of witnesses of relatives: Mamab Kishor Kumar
S/O Pt. Kedar Kumar
Village - Bania Ranggam Kuman patty, Goa
P.S. - Golaghat
- 5) Signature of Arrestee: Momeny Kumar
S/O Sri Namaha Kishor Kumar
NH - Ranggam, Dhulia, Kuman patty
P.S. - Golaghat, Dist - Goa.
- 6) Date & Time of Arrest in the job: 13.08.2010
at 8:30 PM at Golaghat P.S.

Chief Judicial Magistrate
Golaghat

Kamal Mishra S.I.
Signature of the investigation officer
of Golaghat P.S.
Dt. 14.8.2010.

INSPECTION MEMO

P.S. Golaghat

WRITE PETITION (ORIGINAL) NO. 899 OF 1986 AND 592 OF 1997.

- 1) Date: 13.08.2010
- 2) Case Reference: Golaghat P.S. Case no. 398/2010 U.D. 302 IPC
DT - 13.8.2010
- 3) Name & Address of eccl.: Sri Momeny Kumar, S/O Sri Namaha Kishor Kumar,
NH - Ranggam, Dhulia, Kuman patty, Goa.
P.S. - Golaghat - Dist - Goa.
- 4) Wound in body at the time of Medical examination: None
- 5) Name and address of Police of Offences arrested: Kamal Mishra S.I.
P.S. - Golaghat
- 6) Name and designation of P.O. on duty: None
- 7) Signature of Police Officer who report the arrested: 153 Bhadram Brijokata
B.V.

Signature of the investigation officer
Kamal Mishra S.I.
of Golaghat P.S.

Ext. 9
S/C 123/10
Sd/- Illegible
Sessions Judge,
Golaghat
9-5-2013

FORWARDING LETTER
Confessional

**To,
The Chief Judicial Magistrate,
Golaghat.**

Date: 14.08.2010.

Through the Prosecution Inspector.

Sub: Committal of the accused.

Ref: Golaghat P.S. Case No. 398/2010 U/s 302 IPC Dt. 13.08.2010.

Sir,

Humble submission is that the accused named below, arrested in connection with the above case is committed to the Hon'ble court. It is prayed that the accused be kept in jail hajat for a period of 14 days, i.e., upto 26.08.2010. The reasons of arresting the accused have been explained to the members of the family of accused. Although the accused confessed his guilt, the Hon'ble Court is hereby prayed that his confession be recorded U/S 164 Cr.P.C.

Reasons of arrest:

- 1) Lodging a written ejahar on 13.08.2010 with the thana, Sri Nanda Kishor Kumar, S/o- Late Kedar Kumar, a resident of vill. Rangajan Dhulia Kumarpatty under Golaghat PS informed that at about 7 am that day (13.08.2010) his son Sri Manoj Kumar hacked his wife Mira Devi to death inside his house. On the basis of the ejahar this PS Case No. 398/2010 U/S 302 was registered and investigated.
- 2) That accused under arrest confessed to have killed his wife by hacking with an axe inside his own house. The axe used in committing the crime is recovered and seized at the place of occurrence.
- 3) Sufficient evidence has been found against the accused. The accused under arrest is a man of violent nature.
- 4) The accused is named in the ejahar.

Name and address of the accused:

Sri Manoj Kumar (aged 28 years)
S/o- Sri Nanda Kishor Kumar
Vill.- Rangajan Dhulia Kumarpatty gaon
P/S- Golaghat, Dist.- Golaghat

Original home address:

Vill.- Baraka Dhakiaj gaon
PS- Krishna Braham
Dist.- Baksar, State-Bihar.

Ext. 9(1)
Case No.
Sd/-Illegible

Yours faithfully
Sd/- Kamal Mohan

Ext. 10
S/C 123/10
Sd/- Illegible
Sessions Judge,
Golaghat
9-5-2013

SEIZURE LIST

**To,
The Chief Judicial Magistrate,
Golaghat.**

Date: 17.08.2010.

Through the Prosecution Inspector.

Sub: Examination of the seizure list as well as the seized articles.

Ref: Golaghat P.S. Case No. 398/2010 U/s 302 IPC Dt. 13.08.2010.

Sir,

Most respectfully I bet to pray the Hon'ble Court to examine the seized articles and the seizure list, in connection with the above mentioned case.

This is for favour of the Hon'ble Court's information and necessary action.

Ext. 10(1)
Case No.
Sd/-Illegible

Yours faithfully
Sd/- Kamal Mohan

S/C 123/10
Sd/- Illegible
Sessions Judge
Golaghat
9-5-13

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

CHARGE SHEET

District- Golaghat
Police Station- Golaghat

Charge Sheet No. -231/2010
in First Information No. -398/2010, Dt.

Date-14-08.2010

Name, address & occupation of COMPLAINANT

Sri Nanda Kishor Kumar
S/o- Lt. Kedar Kumar
Vill-Rangajan Kumarpatty+-
P.S.- Golaghat, Assam

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

Name and addresses of accused persons sent up for trial

In custody

On bail or recognizance

- (1) Sri Manuj Kumar
S/O- Sri Nanda Kishor Kumar
Vill-Rangajan Kumarpatty Gaon
P.S.- Golaghat, Assam.

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

MR No. 140/2010

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

- 1) Sri Nanda Kishore Kumar
S/o- Late Kedar Kumar
Vill- Rangajan Kumarpatty
P.S.- Golaghat
- 2) Smti Anjana Devi
D/o- Sri Nanda Kishore Kumar
Vill-do, P.S.-do
- 3) Smti Phulpatia Devi
W/o- Sri Nanda Kishore Kumar
Vill-do, P.S.- do
- 4) Smi Promila Devi
W/o- Sri Borat Kumar
Vill-Kaita Gaon, P.S.- Boxssa,
Dist.- Boxssa, State- Bihar
P/A- D/o- Sri Nanda Kishore Kumar
Vill- Rangajan Kumarpatty
P.S.- Golaghat.

- 5) Sri Prakash Gupta
S/o- Lt. Mohesh Gupta
Vill- Rangajan Kumarpatty Gaon
P.S.- Golaghat
- 6) Smti Kolkhoila Devi
W/o- Lt. Krishna Kumar
Vill-do, P.S.-do
- 7) Smti Laljari Devi
W/o- Sri Satelal Rout
Vill-do, P.S.-do.
- 8) Smti Pushpa Devi
D/o- Sri Devi Deyal
Vill-do, P.S.-do.
- 9) Sri Nandiram Gogoi
S/o- Late Umakanta Gogoi
Vill- Dhulia Gaon
P.S.- Golaghat
- 10) Sri Umar Khan
S/o- Lt. Anuwar Khan
Vill- Ranjagan Kumarpatty
P.S.- Golaghat
- 11) Sri Anil Kumar
S/o- Sri Gajananda Kumar
Vill-do, P.S.-do.
- 12) Dr. Pradip Kumar Medhi
M & HO, Golaghat Civil Hospital
P.S.- Golaghat
- 13) Kamal Mohan
of Golaghat P.S.

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

The charge sheet in brief is as follows:

By lodging a written ejahar with the PS on 13.08.2010, Sri Nanda Kishor Kumar, S/O- Late Kedar Khan, a resident of Rangajan Kumarpatty informed that his son Sri Manoj Kumar killed his wife Mira Devi by hacking with an axe inside his house. Accordingly, Case No. 398/2010 was registered U/S 302 IPC and investigation is done. The investigation reveals the truth that the accused committed the offence, i.e. the case is established against the accused U/S 302 IPC. So, the charge sheet is submitted before the Hon'ble Court with a prayer for holding trial. The accused was arrested and committed to the Hon'ble Court. A copy of sketch-map of the place of the occurrence, a copy of the post mortem examination report and a copy of seizure list are enclosed herewith. The witnesses named in column 6 will substantiate the veracity of the case.

Ext. 11 (1)
Case No
Sd/- Illegible

Sd/- Kamal Mohan

Forwarded to the Hon'ble C.J.M, Golaghat, through the P.I, Golaghat along with one seizure list, one P.O. Map and one P.M. Report for favour of kind perusal.

11 (2)
S/C 1213/13
Sd/- Illegible

Sd/- Illegible

