

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

(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

② Shakil Ahmed
① M.D. Jalaluddin

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 3rd 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)
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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. Jalaluddin Ahmed
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 3rd 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 M.D. Jalaluddin Copy Received	<p>Hazotee accused Jalaluddin Ahmed and Shakil Ahmed are produced from jail hazot. Id. 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>	C.J.M. Sonitpur, Tezpur

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 17th 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 ^{but} 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/Maulai. 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.

Jalaluddin Khan

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 27th 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.

Dipam 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 2nd 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 cloth).

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 later on, 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 2nd 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.

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 16th 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

C/M 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 07)

Cross-examination by Defence:

Taxi Stand is situated near Jonaki Cinema Hall of Tezpur Town. The Taxi Association has got its officer bearer. Bhobesh 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, 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. 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

C.M. 10/11/14

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.

29/04/017

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 16th 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 2nd 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*

Shireel Hossain

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.

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

The Deposition of **P.W. 7** in Sessions Case No. **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 16th 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 Nazir

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 16th 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.

21st May 20

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 17th 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. Sonitpur, Tezpur, 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 27th 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

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
Dhar

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
Night. Was not seen
Video
Sketch Map - Not taken
Last seen very dark
in PWS/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

Gift memo
Debarshi

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.

Seikh Nazrul
Dehati

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 9th 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
PSD SD.*

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.*

Sakil Maoni
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 strangled 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, 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. Thereafter, they threw the dead body of Santosh down the mountair". 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

*Ainul Haque
PW5*

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 16th 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 – 2nd 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.

SV
Barman
Bosha

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 **4th** 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 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."

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.p. 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 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*

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."*

MID. Sakil. uddin

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 Jalauddin, 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 Jalauddin 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*

m.d. Jalal. reddine

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.12. J. Sakil. uddin

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. Jaleel. uddin

(Signature mark of the accused)

(Signature of Sessions Judge, FTC)
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)

Sonitpur, Tezpur
Addl. 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 **4th** day of **October, 2019** in the English language, interpreted by myself from Bengali and Hindi language.

Shakil Ahmed

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:

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

Shakil 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

Shakil 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.....

Ex 1
17.7.18

Sd/- Illegible
Addl. Dist. & Session Judge
FTC, Tezpur

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.

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

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

3rd 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

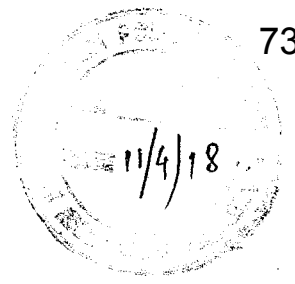
Sd/- Illegible

7/4/18

Judicial Magistrate

1st Class, Tezpur

Ex No. 7
 Date 12/7/18
 27/2/19
 Adul. 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/I 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.

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

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. 14 dt 11/4/18

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

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

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

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

Assam Schedule XL-A (Part 1), Form No. 148

District- SONITPUR

Police Station-TEZPUR

CHARGE SHEETCharge sheet no- 425/18
In First Information no- 790/17Dated- 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	In custody On bail or recognizance	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
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 Md Shakil Ahmed, S/O- Abdul Salam of Vill- Labajuar, PS- Badarpur, Dist- Karimganj, Assam.	MR NO 96/18 2ND 87/18 MR NO 143/18	1) Ainul Hoque, S/O- Late Abdul Kadir of Bhojkhowa Chapori, PS- Tezpur 2) Rupan Ahmed, S/O- Md Abdul Malik, Vill- Bhanga Kalbash, PS- Badanpur, Karimganj, 3) Mohibur Rahman @ Mohan, S/O- Md Atabur Rahman, Vill- Chandushni kuna PS- Badanpur, Karimganj 4) Badal Khan, S/O- Lt Abdul Khan of Jamulatok, PS- 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.	

forwarded to the Sub Court through
Prosecutor Court, one case file, one
TIP. photo copy set, Extract copy
Mag. PS GDE 2 (KOD) NBS Sensitive
list one sketch map included

here with

Rajit. Saikia, J

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. _{two}

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:-

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

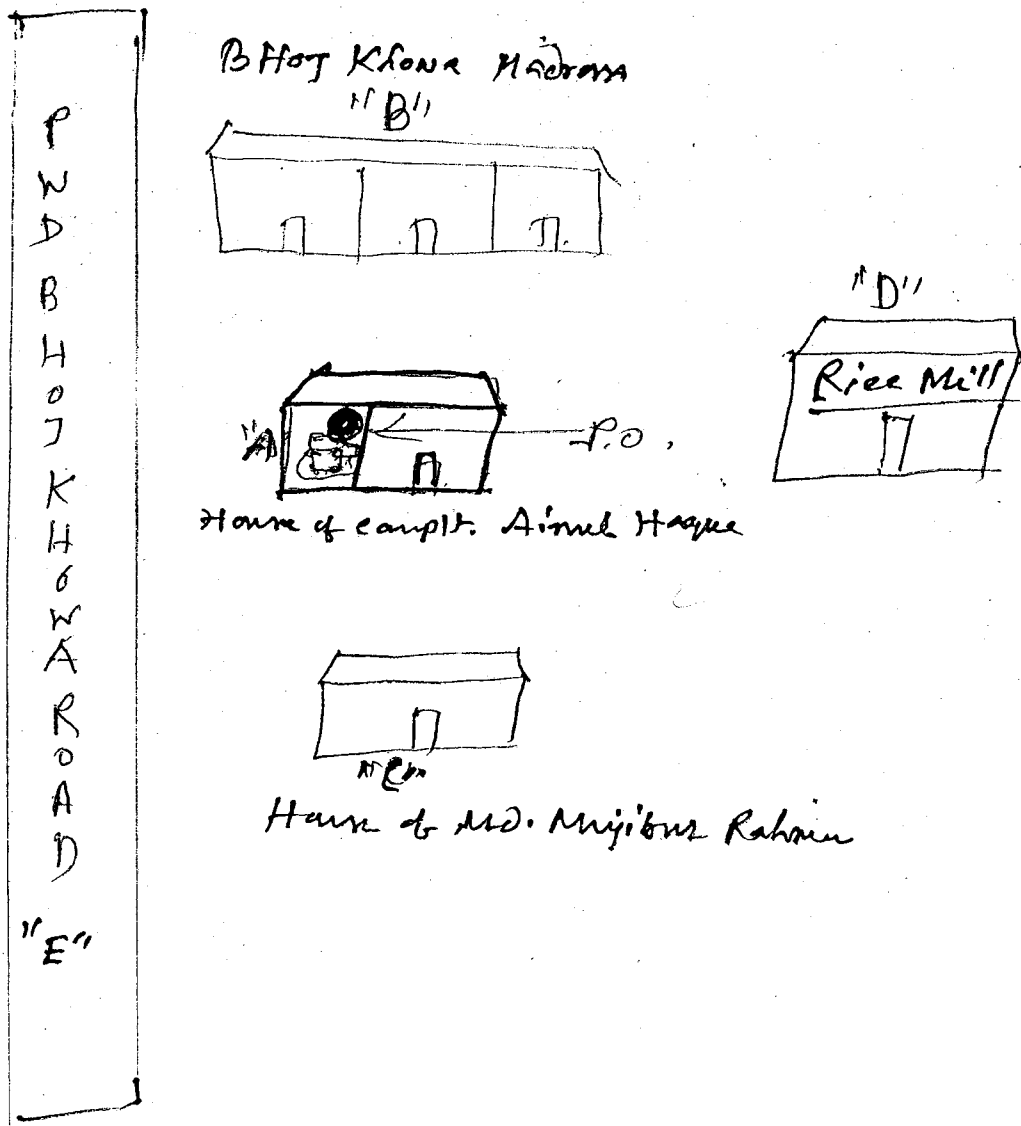
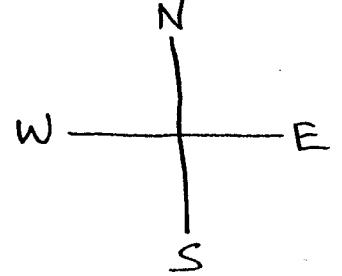
Ex. No. 9(1)
Case No.....
Date- 16/9/19
Sd/- Illegible
Addl. Dist. & Session Judge
FTC, Tezpur

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.



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