

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram & Arunachal Pradesh)

**MAIN WRITTEN EXAMINATION FOR DIRECT RECRUITMENT
TO GRADE I OF THE ASSAM JUDICIAL SERVICE, 2024**

Date :09.03.2025

Time :9 A.M. to 12 Noon

Total Marks :100

Duration : 3 Hrs

PAPER-III

1. *Answer any four of the following questions-*

4 x 8 =32

- a. Explain the doctrine of basic structure with reference to landmark judgments.
- b. What are the constitutional safeguards to ensure the independence of the judiciary in India?
- c. Explain the doctrine of colourable legislation.
- d. Explain the doctrine of pith and substance.
- e. Explain the principles of secularism enshrined in the Indian Constitution.
- f. Explain the concept of "due process of law" and how it differs from "procedure established by law" in the Indian context.

2. *Answer any one of the following questions-*

1 x 15 = 15

- a. Write a detailed essay on the evolution of judicial interpretation of the right to privacy in India, with reference to the Puttaswamy judgment.
- b. Discuss the evolving nature of Indian federalism with reference to the

relationship between the Union and States.

- c. Examine the legality and impact of reservations in education and employment with reference to recent judicial pronouncements.

3. *Answer any two of the following questions-*

2 x 5 = 10

- a. Explain the role of law in social change with examples.
- b. Compare the retributive, deterrent, reformatory, and preventive theories of punishment.
- c. Analyze the role of judicial precedents in legal interpretation and judicial decision-making.

4. *Answer any one of the following questions-*

1 x 3 = 3

- a. Explain the evolution of customary law and its relevance in modern legal systems.
- b. Critically examine the relationship between law and morality with reference to Hart-Fuller Debate.

JUDGMENT WRITING

5.

Write a judgment on the basis of the materials available in the paper-book. **40**

PAPER BOOK

SESSIONS CASE No. 56/1991

DISTRICT- KARBI ANGLONG

SRI SHABILAL CHETRY

Vs

THE STATE OF ASSAM

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(illegible seal)
Dt. 30-11-89

Seen
Sd/- Illegible
Magst

Assam Schedule XL-A (Part 1), Form No. 137

FIRST INFORMATION REPORT

GR- 760/89

First information of a cognizable crime reported Under Section 154, Criminal Procedure

Code at Police Station- **Diphu**

SUB-DIVISION- **Diphu**

DISTRICT- **K/Anglong**

Case No. **278/89**

Date and hour of occurrence- **On 28.11.89 @ about 5.30 PM**

Date and hour when reported	Place of occurrence and distance and direction from Police Station	Date of dispatch from Police Station
On 29-11-89 at 12 PM	Manja Mza- Jamunapar About- 17 KM North	29-11-89

N.B.: A first information must be authenticated by the signature mark or thumb impression of informant attested by the signature of the office recording.

Name and residence of Informant and complainant	Name and residence of accused	Brief description of offence with Section and of property carried off if any	Steps taken regarding investigation explanation of delay in recording information	Result of the case
1	2	3	4	5
Sri Karnabh Chetry Of Manja Tinali P.S. Diphu	Sri Sabilal Chetry Of Manja	U/S- 326 IPC Causing grievous hurt by sharp weapon		SI B.N. Das will investigate of the case

*Sd/- Dimbeswar Borah
Inspector Officer-in-Charge
Diphu Police Station
Karbi Anglong
29/(page torn)*

(FIRST INFORMATION TO BE RECORDED BELOW)

The written ejahar from the complt. received at P.S. through I/C Manja O.P. and treated as F.I.R. which is enclosed here with.

*Sd/- Illegible
Inspector Officer-in-Charge
Diphu Police Station
Karbi Anglong
29/11/89*

Note: The Signature seal or mark of informant should be affixed at foot of the information.

Ext. 3
Sd/- Illegible
A.D.C.

Seen
Sd/- Illegible
Magst

To

The I.C. Manja Out Post

28/11/89

Sub: Ejahar

Sir,

Humble submission is that at about 5.30 p.m. today, i.e., on 28/11/89, Sri Sabilal Chetry, S/O- Late Mon Bahadur Kharka Chetry, R/O- 9th Mile, Manja, came from Manja and grievously wounded co-villager Sri Ganesh Thapa, S/O- Lt. Sabilal Thapa, by stabbing him on his stomach with a *Khukri* (a type of machete) without any reason. I, therefore, pray to you to take necessary action after investigating into the matter and oblige.

Yours faithfully

Sd/- Karna Bahadur Chetry

(Karna Bahadur Chetry)

S/o- Gam Nahadur Chetry

9th Mile, Mile

Received vide Manja O.P. GDE No. 476 dt. 27.11.89 and forwarded to O/C (D) P.S. to register a case U/s 326 I.P.C. and I have already taken up the investigation of the case. PO: 'unit' 6-30 PM of 27.11.89.

Ext. 1(1)
Sd/- Illegible
A.D.C.

Sd/- Illegible
28/11/89
Incharge
Dehendijua Police Out Post
Karbi Anglong : Assam

Received and registered Diphu P.S. Case No. 278/89 U/s- 326 I.P.C. Dt. 29/11/89

Sd/- Dimbeswar Borah
Inspector Officer-in-Charge
Diphu Police Station
Karbi Anglong
29/11/89

Assam Schedule VIII, Form No. 250

High Court Criminal Process No. 38

S/C 56/91

:: CHARGE WITH ONE HEAD ::

(No. XXVIII (III) SCHEDULE V, Act V, 1898)

(Section : 221, 223, Code of Criminal Procedure)

(1) Name and Office Magistrate I (1)

etc.

A.D.C.

(2) Name of accused person

hereby charge you (2)

Sri Chabilal Chetry

as follows:-

First that you, on or about the **28/11/89** at
about 5:30 PM at Manja committed culpable
homicide not amounting to murder causing the
death of Ganesh Thapa of your village.

and thereby committed an offence punishable under/s

(3)

302 the Indian Penal Code and within (3)

my cognizance

(4) In case tried by Magistrate _____ and I hereby direct that you be tried (5) by the
committed by the said Court said court on said charges.

Charge explained to him to which he pleaded not guilty.

Dated this 21st day of February 1992

Sd/- Illegible

21/2/92

Magistrate

Assam Schedule VII, Form No. 581

HIGH COURT FORM NO. (J) 1

FORM OR RECORDING OF DEPOSITION

In the Court of:

Case No.: **56/91** OF 19-

Present:

Deposition of witness No.: **1** for the: taken on

oath/solemn affirmation on the: day of: 19-

My name : **Shri Krishna Bandhu Giri**

S/O : **Late Rabilal Giri**

By caste : My age is : **65** years

resident : **Manja** P.S. : **Manja** at am/pm

District : My occupation : **Cultivator**

On S/A :-

I know the accd. I know Ganesh, since deceased. On the date of occurrence, while I was resting, Ganesh since deceased, came crying and fell down near my house. I went there and saw Ganesh with injuries, crying. He was injured on his stomach. On my enquiring Ganesh told me, Sabilal the present accd. stabbed him in the stomach. Ganesh was sent to hospital Manja for treatment and I saw people caught hold of the accd. Shri Sabilal and was taken to Thana.

I was examined by the I.O. and later on I came to know that Ganesh died of injuries.

XXXXXXX

I have not seen that the accd. stabbed the deceased. At the place of occurrence, I heard hue and cry of many people and I went out. Before my going out, hue and cry was there. It is not a fact that I was not told by Ganesh about the occurrence.

L.T.I. of Krishna Bh. Giri

R.O. & A.C.
Sd/- Illegible
16/2/95

anybody's name. After 4 days he died in hospital. After conducting P.M. doctor allowed to take back the body of Ganesh Thapa home.

Ex. 1 is the inquest report and Ex. 1(1) is my signature. After three days at hospital, I heard police arrested Chabilal.

XXXXXXXX

The place of occurrence is at distance of more than a furlong from my residence. I went alone to the place of occurrence. Many people assembled. On my arrival I saw about 20 persons there. Ganesh Thapa was properly dressed. Gante went to the P.O. after my arrival.

Sd/- Rishi B. Chetri

R.O. & A.C
Sd/- Illegible
29/6/95

XXXXXXXX

Khukuri was recovered at a distance of one furlong from the place of occurrence. I put my signature on the seizure list in the Thana.

Sd/- Monbahadur Chetry

R.O. & A.C
Sd/- Illegible
29/6/95

XXXXXXX

I had not seen the occurrence at spot. Narbahadur, Dalbahadur was present and non else at the time. It was in the evening. The persons named above heard the statement of Ganesh. My husband died one year ago. My husband, asked Ganesh Bahadur about the incident. It is not a fact that my husband did not ask Ganesh Bahadur about the incident. People arrested Chabilal on street. I was not going to the street. I was not told by anybody I heard about arrest of Chabilal through Hallah.

R.T.I. of Mina Devi Chetri

R.O. & A.C
Sd/- Illegible
15/11/95

Assam Schedule VII, Form No. 581

HIGH COURT FORM NO. (J) 1

FORM OR RECORDING OF DEPOSITION

In the Court of:

Case No.: _____ OF _____ 19-

Present:

Deposition of witness No.: **5** for the: _____ taken on

oath/solemn affirmation on the: _____ day of: _____ 19-

My name : **Chitta Bahadur Chetry**

S/O, W/O : **Late Mon Bahadur**

By caste : _____ My age is : **26** years

resident : **Manja Sugar Mill** P.S. : **Diphu** at _____ am/pm

District : _____ My occupation : **Cultivation**

On S/A :-

I know the accd Chabbilal who is my elder brother. We live together. I know the deceased, Ganesh Bahadur Thapa. About six years back, when I was at home in one evening I was at home. My brother was not present at home. I don't know whether there was any other person. When I came out of my house, I heard hue and cry coming from the road side. I went towards the road. I came to know from the public present there that a quarrel make out there. Afterwards, I came to know that one Chabbilal was arrested by police in this connection. Then I went to the Thana where I came to know that there was a quarrel between Ganesh Bahadur Thapa and Chabilal. I saw the deceased Ganesh

Bahadur Thapa from a distant place. Thapa was taken to hospital. Late on I came to know that Ganesh Bahadur had died. Police also enquired these things from me and I gave the same reply.

XXXXXXX

I have not seen the incident. I did not know where the incident took place. I was not told by anybody about the quarrel between Chabilal and the deceased Ganesh Bahadur Thapa. What is told by me above is the statement on the basis of shattered heard out of examination.

Sd/- Sri Chitra Nahadur Chetry

R.O. & A.C
Sd/- Illegible
03/03/97

Assam Schedule VII, Form No. 581

HIGH COURT FORM NO. (J) 1

FORM OR RECORDING OF DEPOSITION

In the Court of:

Case No.: _____ OF _____ 19-

Present:

Deposition of witness No.: **6** for the: _____ taken on
oath/solemn affirmation on the: _____ day of: _____ 19-

My name : **Dr. L.C. Nath**

S/O : **Late Bhog Ram Nath**

By caste : _____ My age is : **39** years

resident : **M & HO I Morigaon Civil Hospita** P.S. : **Morigaon** at _____ am/pm

District : **Morigaon** My occupation : **Govt. Service**

On S/A :-

On 2nd Dec/1989, I was at Diphu Civil Hospital as M & H.O. I. On that day I prepared the P.M. of Ganesh Thapa Male 18 yrs (Nepali) as per police requisition in connection with Diphu P.S. Case No. 278/89 U/s 326 I.P.C. Dead body was identified by Constable 170 Jiten Ch. Bora and Rishi Bahadur Chetri and Kamal Chetri both are related of the deceased. On external appearance,

~~(1)~~ A male post operated dead body with rigor mortis present, the stitches present on the exterior abdominal wall and left side of the thoracic wall. The eyes are closed and abrasion present on right side of the waist.

(2) Cranium and spinal cord- All are normal and no any deformity detected.

(3) Thorax- The seventh and eighth ribs of the left side of the thorax are broken due to sharp cut. Repaired left thoracic wall present. Diaphragm is cut on the left side and repaired. Pleurae of the left side of thoracic was lacerated. Larynx and trachea and right lung normal. Left lung – cut wound present on the lower part of left lobe. Pericardium heart and normal.

(4) Abdomen- On interior abdominal wall, stitch post operative was present and two stab wound present with drainage tube. Peritoneum- Sutured material present with old clotted blood present. Mouth pharynx oesophagus normal. Stomach empty. Small intestine full of intestinal fluid. Large intestine full faecal matter.

(5) Muscle, bones and joints- Injuries are already described above.

Abdomen- Liver left lobe of liver is repaired due to cut injury. Spleen, kidneys, bladder, organ of generation – normal.

More detailed description of injury or disease-

Abdomino thoracic injury and cut injury of pleura, left lung and left lobe of liver. Injury also present on diaphragm. All these injuries are antemortem which was operated. Such type of injuries are due to penetration by long sharp cutting weapon.

Opinion-

In my opinion, the actual cause of death is due to haemorrhage and shock as a result of injuries of vital organs like liver and lung.

XXXXXXXX

I caused the P.M. at hospital morg. I alone did it with help of sweepers. I prepared the P.M. report in my office and not in the morg. I prepared this report copying from the notes prepared at the time of examination. I examined the dead body and prepared the

report on the same day. Civil Surgeon's counter-signature was taken on 14/12/89. The original notes were put up to C.S. at the time of obtaining counter signature. About verification the word is recorded. The papers where I jotted down the points can not be produced.

Sd/- Illegible

5/11/97

R.O. & A.C
Sd/- Illegible
05/11/97

Assam Schedule VII, Form No. 581

HIGH COURT FORM NO. (J) 1

FORM FOR RECORDING OF DEPOSITION

In the Court of:

Case No.: _____ OF _____ 19-

Present:

Deposition of witness No.: **7** for the: _____ taken on

oath/solemn affirmation on the: _____ day of: _____ 19-

My name : **Sushil Nath**

S/O : **Late Satyendra Nath**

By caste : _____ My age is : **24** years

resident : **Manja** P.S. : **Diphu** at _____ am/pm

District : **KA** My occupation : **Daily labourer**

On S/A :-

I know the accd. Sabbilal of Manja. I do not know his residential address. I know the deceased Ganesh Thapa. About 7 (seven) years back in one evening while I going to Manja Bazar along with Kaila, Ganesh Thapa to have some refreshment, Chabilal, the accd. and one another followed us when we reached near Karna bahadur's residence, Ganesh Thapa went nearby to pass urine. We were standing nearby. Ganesh Thapa was attacked by Sabilal after some altercation and was stabbed with a khukri on his (illegible). He was taken to Karna bahadur's residence. Then we tried to catch the accd but he fled away. Then Ganesh Thapa went ot Krishna bahadur's residence from where he was taken

to Manja P.H.C. And police was also informed. Police arrived. Then Sabilal was arrested but other was not found. The khukri was also seized by police. Police investigated the matter and my statement was recorded. I do not know whether there was any bad blood between them.

XXXXXXX

Kaila, Ganesh Thapa was with me. We (page torn) proceeding to Manja Bazar from Manja Sugar Mills. The incident took place about 1 KM away from Manja Tinali. Sabilal resided near about Sugar Mills. Sabilal was accompanied by another boy whom I could not recognize. The place where Ganesh Bahadur passed urine was about 15 mtrs. It was dark night. I did see who did sab Ganesh bahadur. Mon bahadur with his son and about 10/12 people assembled there. Others I could not remember.

Rishi

L.T.I. of Sushil Nath

P-46 para-2

R.O. & A.C
Sd/- Illegible
12/01/98

Assam Schedule VII, Form No. 581

HIGH COURT FORM NO. (J) 1

FORM OR RECORDING OF DEPOSITION

In the Court of: **Shri/Smti**

Case No.: **S/C 56/91** OF 19-

Present: **D.K. Daloi**

Deposition of witness No.: **8** for the: taken on

oath/solemn affirmation on the: day of: 19-

My name : **Bivekananda Das**

S/O : **Shri Sudhan Ch. Das**

By caste : My age is : **45** years

resident : **Buraburi Mayang P.S.** P.S. : **Mayang** at am/pm

District : **Morigaon** My occupation : **Govt. Service**

On S/A :-

On 28/11/89 I was at Manja O.P. as I/C. On that day, one Tilbahadur Chetry informed verbally about 6 PM at Manja OP that one Chabilal Chetry of Manja nine village wounded Ganesh Thapa of the same village by a khukri. Then I made entry in the G.D. vide no. 474 of 28/11/89. Then I rushed to the P.O. with my staff. We found on the way to the P.O. that the accd Chabilal Chetry was caught by village people and he was arrested and brought to the P.O. I investigated. In the meantime the victim was sent to the hospital for treatment accompanied by Hema Bora ASI. While the accd was asked the accd stated that he attacked and injured Ganesh Thapa with a khukri. The wooden handle

of the khukri was in the hand of the accd. As stated by the accd, we could recover the handleless khukri in the nearby jungle near the P.O. Then the khukri was seized. Ex. 2 is the seizure list and 2/2 is my signature. Material Ext. 1 is the seized khukri. Then the formal Ejahar was taken from Karna bahadur Chetry as the incident took place in front of his residence. The available witnesses were examined. From the statement it was proved that Ganesh Thapa was murdered by Chabbilal. Then I came back to the O.P. along with the accd and the seized khukri. Then I wrote to Diphu P.S. for registering a case u/s 326 IPC. Ex. 3 is the ejahar and 3/1 is my signature on endorsement. Chabilal was kept in the O.P. for the night and referred to the Court next day. Next day also I recorded the statements. Next day I came to the hospital for his statement. Ganesh Thapa stated that he was attacked and wounded by Chabilal while on way to Manja.

On 3/12/89, O.C. Diphu P.S. informed that the victim Ganesh had died at Diphu Civil Hospital. On getting information, I prayed the Court to add SS. 302 I.P.C. Inquest was done by Prasanta Phukan over the body of the victim Ganesh Thapa and P.M. was also done. I collected the papers, i.e., inquest report & P.M. report from Diphu P.S. Finding Prima facie evidence against the accd on dock Chabilal Chetry, I submitted charge sheet U/s 302 I.P.C. The accd Chabilal Chetry is in the dock today.

XXXXXXXX

✓ I did not record the statement of the first informer. No prayer was made for dying declaration. I did not seize the handle of khukri said to have been found in the hands of the accd. No signature of the seizure witnesses was taken on the wrapper of the M/Exhibit. It is not a fact that the seized khukri is not produced in the Court today. I obtained the FIR later on considering it to be necessary. The P.O. is about 3 KM away

from the O.P. It is not a fact that Chabilal did not confess on the murder of Ganesh Thapa.

Sd/- Bibekananda Das, S.I.

25/5/99

R.O. & A.C
Sd/- Illegible
25/05/99

Assam Schedule VII, Form No. 581

HIGH COURT FORM NO. (J) 1

FORM OR RECORDING OF DEPOSITION

In the Court of:

Case No.: **Sess 56/91** OF 1999/2000

Present:

Deposition of witness No.: **9** for the: taken on

oath/solemn affirmation on the: **13th** day of: **Sept/03**

My name : **Prasanta Phukan**

S/O : **Lt. M. Phukan**

By caste : **Assamese** My age is : **42** years

Resident of : **Jokhalabandha** P.S. : **Jokhalabandha** at am/pm

District : **Nagaon** My occupation : **S.I. of Police**

On S/A :-

On 2/12/89 I was at Diphu P.S. On that day Dr. L.C. Nath of DCH informed O.C. Diphu P.S. that the injured victim Ganesh Thappa was admitted at Diphu Civil Hospital on 28/11/89 and expired on 2/12/89 in connection of Diphu P.S. No. 278/89 U/s 326 I.P.C. O.C. endorsed me to investigate the case. I conducted inquest of the dead body of Ganesh Thappa in presence of witnesses. I found injury on the body of the victim on his belly where T shaped stitch of operation was present. Also a wound on his waist. I examined witnesses and sent the dead body to D.C.H. for P.M. exam. Ext. 1 is the

inquest, Ext. 1(2) is my signature. Then I made over my part of C.D. to Sri B.N. Das I/C Manja, I/O of the case.

XXXXXXX

I examined witnesses at Diphu Civil Hospital premises. The man found dead at hospital bed at 2 AM of 2/12/89. The victim was at hospital from 28/11/89 to 2/12/89.

Sd/- Prasanta Phukan

13/10/03

R.O. & A.C
Sd/- Illegible
13/10

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W.:- 10

Aged about 60 Years taken in oath or solemn affirmation under provisions of the Indian

Oaths Act X of 1878, before me

This **10th** day of **January 2019**

S/C No. 56/91

My name is : **Sri Ram Bahadur Chetry**

My father's name is : **Lt. Mon Bahadur Chetry**

I am : **Cultivator**

By caste :

I reside at present at : **Manja**

District : **Karbi Anglong**

Police Station : **Manja**

On S/A

I know the accused but don't know the informant. The occurrence took place about 30 years ago. I don't remember the actual date of the occurrence. Though I did not witness the murder myself, I heard from people that accused had killed the deceased. I did not go to see the dead body.

Q: Do you have anything to say?

Ans: No.

Sd/- Chabilal Chetri

Signature of accused

Sd/- Illegible

15/3/04

Signature of Magistrate

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

Sd/- Illegible

15/3/04

Signature of Magistrate

Assam Schedule VIII, Form No.99.

Sessions Case No. 56/1991

High Court Criminal Forms No. (M) 85.

FORM OF RECORDING EXAMINATION OF ACCUSED.

(Section 364 of the Criminal Procedure Code)

The examination of accused aged about 53 years, taken before me, Sessions Judge, Karbi-Anglong, on the 24th day of September, 2019 in the language interpreted by _____ me _____.

My name is Shri Shabilal Chetri

My father's name Late Mon Bahadur Chetry

I am by caste Other Backward Class. And by occupation Driver.

My home is at village 9th Mile, Manja, Police Station Diphu, District Karbi Anglong.

I reside at village 9th Mile, Manja, P.S. Diphu, District Karbi Anglong.

Shri. Shabil Chetry

Q.No.1 PW-1 stated- "On the day of occurrence, Ganesh came crying and fell down near his house. He went out and saw Ganesh crying with injuries. He sustained injuries on his stomach. On enquiry, Ganesh told him that you stabbed on his stomach. Ganesh was sent to Manja hospital for treatment and he saw you being caught by the people." What is your saying?

Answer : False.

Q. No.2 PW-2 stated- "About four years ago in the afternoon hours while he was milking, he heard din and bustle about killing of a man and he came out of home and hence he proceeded to the place of occurrence at main road. He saw there Ganesh Thapa lying injured on his stomach. Many people gathered there. He took Ganesh Thapa to Thana. O/C sent Ganesh to Manja Hospital. Doctor gave first aid to Ganesh and referred him to Diphu Hospital. On the way to Diphu Hospital, Ganesh Thapa became senseless. After four days of the occurrence, Ganesh died in the hospital. After conducting post mortem, doctor allowed to take the dead body back to the house of Ganesh Thapa. Ext.1 is the inquest report. After three days, he heard that police had arrested you." What is your saying?

Answer : False.

Q. No.3 PW-3 stated- "About four years back at about 6:00 PM while he was coming back from market, he saw Ganesh Bahadur lying injured on the road. Police took Ganesh to the hospital and you to the police station from the place of occurrence. His son, Rishi Bahadur took Ganesh to hospital. A "Khukri" was recovered from a distance of the place of occurrence. Police seized the said Khukri. Ext.2 is the said seizure list and Ext.2(1) is his signature. M.Ext.1 is the seized Khukri." What is your saying?

Answer : False.

Q. No.4 PW-4. stated- "About four years ago at about 6:00 PM while she was at home with her children, Shri Ganesh Lama came to their residence with physical injury on his person and lied down in their premises. He rarely talked at that moment. On being asked, he told that you cut him. Hearing this, she shouted and people of their locality assembled there. Police arrested you and took you to the police station and took the deceased Ganesh Lama to hospital. One Bal Bahadur and her husband were present at that time. After five days the deceased Ganesh Thapa died at the hospital." What is your saying?

Answer : False.

Q. No.5 PW-5 stated- "About six years back in one evening when he came out of his house, he heard hue and cry from road side. He went towards the road. He came to know from the public gathered there that there was a quarrel. Then he came to know that you were arrested by police in connection with the quarrel. Thereafter, he went to the Police Station and reaching there, he learnt that there was a quarrel between Ganesh Bahadur Thapa and you. He saw Ganesh Bahadur Thapa from a distance. Ganesh was taken to hospital. Later on, he came to know that Ganesh Bahadur died. Police examined him." What is your saying?

Answer : False.

Q. No.6 PW-6 stated- "On 02.12.1989 while he was at Diphu Civil Hospital as M & H.O., he conducted post mortem of Ganesh Thapa, 18 years on police requisition in connection with Diphu Police Station Case No. 278/1989. On examination, he found rigor mortis present and stitches on the exterior abdominal wall and left side of the thoracic wall. The eyes were closed and abrasion present on right side of the waist. He also found 7th and 8th ribs of left side broken due to sharp cut. Repaired left thoracic wall present. Diaphragm was found cut on the left side and repaired. Pleurae of the left side of thoracic was lacerated. Cut wound found present on the lower part of the left lobe. On interior abdominal wall, post operative stitches present with drainage tube. Old clotted blood present inside the abdomen. He also found abdomio thoracic injury and cut injury of pleura, left lung and left lobe of liver. Injury also present diaphragm. All the injuries were ante mortem which were operated. Such type injuries are caused by long sharp cutting weapon. In his opinion, the actual cause of death is due haemorrhage and shock as a result of injuries of vital organs like-liver and lung." What is your saying?

Answer : False.

Q. No.7 PW-7 stated- "About seven years back in one evening, he was going to Manja Bazar along with Koila and Ganesh Thapa to have some refreshment. You and one another followed them. When they reached near the house of Karna Bahadur, Ganesh Thapa went nearby to attend natural call. They were standing nearby. You attacked Ganesh Thapa after some altercation. You stabbed him with a Khukri on his body. Ganesh was taken to the residence of Karna Bahadur. Then they tried to catch you, but you fled away. Thereafter,

Chhabi Lal Choudhary

Chhabi Lal Choudhary

Ganesh Thapa went to the house of Krisna Bahadur and there from he was taken to Manja PHC. On being informed, police arrived there. You were arrested, but other was not found. The Khukri was seized by police. During investigation, your statement was recorded. He did not know whether there was any strained relationship between you and the deceased." What is your saying?

Answer : False.

Q. No.8

PW-8 stated- "On 18.11.1989 he was I/C at Manja Police Out Post. On that day at about 6 PM, one Til Bahadur Chetri informed verbally at Manja OP that you, the resident of Vill-9th Mile wounded Ganesh Thapa of the same village by a Khukri. Then he made GDE Vide No.474 dtd. 28.11.1989. He rushed to the place of occurrence with his staff and on the way to the place of occurrence, they found that the villagers caught you. He arrested you and brought you to the Police Station and he started investigation. In the mean time, the injured was sent to hospital for treatment being accompanied by ASI Hema Prava. On being asked, you stated that he attacked and injured Shri Ganesh Thapa with a Khukri. The wooden handle of the Khukri was in your hand. As stated by you, they could recover the Khukri in the nearby jungle of the place of occurrence. Then the Khukri was seized. Ext.2 is the seizure list and Ext.2(2) is his signature. Thereafter, the formal ejahar was taken from Karna Bahadur Chetri as the incident took place in front of his house. He examined the witnesses found available. He further told that from the statements of the witnesses, it was proved that Ganesh Thapa was murdered by you. Then he came back to the OP taking you and the seized Khukri. Thereafter, he wrote to the O/C, Diphu Police Station to register a case under section 326 of IPC. Ext.3 is the ejahar and Ext.3(1) is his signature. He kept you in the OP for the night and on the next day he forwarded you to the Court. On the next day of the occurrence, he came to the hospital for recording statement of the injured, Ganesh Thapa who stated before him that he was attacked and injured by you while he was going to Manja. On 03.12.1989, the O/C of Diphu Police Station informed him that the injured, Ganesh had died at Diphu Civil Hospital. On getting the said information, he prayed before the Court to add section 302 of IPC. The inquest was done by Prasanta Phukan on the body of the deceased, Ganesh Thapa. He collected the inquest report and P.M. report. Finding prima facie evidence under section 302 of IPC, he submitted charge-sheet against you there under." What is your saying?

Answer : False.

Q No.9

PW-9 stated- "On 02.12.1989 he was working at Diphu Police Station. On that day, he conducted inquest over the dead body of Ganesh Thapa in connection with Diphu Police Station Case No. 278/1989 in presence of the witnesses. During inquest, he found injury on the belly and T shaped stitches given after the operation. He also found a wound on his waist. He examined the witnesses and sent the dead body to Diphu Civil Hospital for post

Chunhi Lal Chetry

mortem. Ext.1 is the inquest report and Ext.1(2) is his signature." What is your saying?

Answer : False.

Q. No.10 PW-10 stated- "Although he did not see the occurrence but heard from the people that you killed Ganesh Thapa. He did not go to see the dead body of Ganesh Thapa." What is your saying?

Answer : False.

Q. No.11 Do you have anything to say?

Answer : No, I have been falsely implicated.

Q. No.12 Do you adduce defence evidence?

Answer : No.

(Signature of accused)

(Signature of Magistrate)
Sessions Judge
 Karbi Anglong, Diphu, Assam.

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

(Signature of Magistrate)
Sessions Judge
 Karbi Anglong, Diphu, Assam.

Chub. led. Chity

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

POST MORTEM REPORT

129/89

Station : Diphu Civil Hospital
Day of : 2nd Dec, 1989
Ref : Diphu P.S. Case No. 278/89 U/s 326 I.P.C.

Name, Sex, age and caste :

Ganesh Thapa/male
18 yr/Nepali

Whence brought Village and Thana :

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

C/170 Jiten Ch. Bora
Rishi Bahadur Chetry
Kamal Chetry

DATE AND HOUR OF

Despatch : From Diphu Civil Hospital MSW
Arrival at dead house : 12-45 PM on 2/12/89
Examination : 1-00 PM on 2/12/89
Information furnished by Police : As per inquest report
By whom identified before Medical Officer : C/170 Jiten Ch. Bora

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

I - EXTRANAL APPEARANCE

1. Condition of subject stout emaciated, decomposed etc :

A male post operative dead boy in Rigor Mortis. The stitches present on the ant. abdominal wall, Lt side of the thoracic wall. The eyes are closed. Abrasion which is dried present on the right side of wrist.

2. Wounds - position, and character :

3. Bruise Position size and nature :

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

II - CRANIUM AND SPINAL CANAL

1. Scalp, Skull, Vertebrae : NAD

2. Membrane : NAD

3. Brain and spinal cord : NAD

III – THORAX

1. **Walis ribs and cartilages** : The 7th & 8th rib of the Lt side is broken due to sharp cut. Repaired Lt thoracic torn on the wall. Diaphragm is cut Lt lateral & repaired \bar{c} wall of thorax cat gut.
2. **Pleurae** :
3. **Laryax and trachea** : NAD
4. **Right lung** : NAD
5. **Left lung** : Cut wound in lower part of left lobe
6. **Pericardium** : NAD
7. **Heart** : Empty
8. **Vessels** : Full of clotted blood

IV - ABDOMEN

1. **Walls** : Post operative internal wound \bar{c} stitches present & stitches with two stab suture material wound for old clotted blood drainage present in side the abdomen.

2. Peritonoum :
3. Mouth, pharyanx, oesophagus : NAD
4. Stomach and its contents : Empty
5. Small intestine and its contents : Full of gases
6. Large intestine and its contents : Full of faecal matter
7. Liver : Left lobe of liver is repaired by cat gut suture
where incised cut mark present
8. Spleen : NAD
9. Kidneys : NAD
10. Bladder : NAD
11. Organs of generation external and internal : NAD

V - MUSCLES, BONES AND JOINTS

1. Injury :
2. Disease or deformity : NAD

3. Fracture : Nil
 4. Dislocation : Nil

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

There is abdomino thoracic injury and cut injury of pleura, left lung and left lobe of liver. The diaphragm is repaired on the Lt side. All these injuries were caused by long sharp cutting weapon from the Lt side of the thoracic region. The operation is probably due to repair of the wound (where laparotomy done)

OPINION OF ASSISTANT SURGEON AS TO CAUSE OF DEATH

SUB – ASSISTANT SURGEON

In my opinion the death is due to injury of vital organ with haemorrhage as a result of stab wound.

Sd/- Illegible

2.12.89

(Dr. L.C. Nath)

Medical & Health Officer I

Diphu Civil Hospital

Karbi Anglong

The 2nd day of Dec 1989

ASSISTANT SURGEON OF
SUB-ASSISTANT SURGEON

REMARKS BY CIVIL SURGEON

I agree

Sd/- Illegible
Senior Medical & Health Officer
Karbi Anglong District, Diphu

The _____ day of _____ 19 _____ Signed _____
Civil Surgeon of _____

Office of the Superintendent
Civil Hospital, Diphu, Karbi Anglong, Assam

Supdt. Diphu Civil Hospital
No. 2112
Date- 15/12/89
Karbi Anglong, Assam.

To
The P.I.
Diphu Court
K/Anglong, Diphu

Police (illegible seal) Diphu

Dt. 23.12.89

(illegible seal)

Assam Schedule XL-A (Part I), Form No. 149

FINAL REPORT UNDER SECTION 173 CRIMINAL PROCEDURE CODE

Charge Sheet

District – K/Anlong

Final Report No. – 157

Date – 18.12.89

Police Station – Diphu

In First Information No. – 278/89 Date – 29.11.89

(1) Name and address of informant and of the person aggrieved if the informant is not such person

Shri Karna Bahadur Chetry

S/o- Gam Bahadur Chetry

9th Mile, Manja

P.S.- Diphu

(2) Accused

Shri Shabilal Chetry

S/o- (L) Mon Bahadur Kharka Chetry

9th Mile, Manja

P.S.- Diphu

(3) Description and value of property stolen, if any

M/R No.

MR No. 185/89

(4) Wits.

1) Shri Bol Bahadur Chetry

S/o- Lt. Hem Karna Chetry

- 2) Shri Krishna Bahadur Giri (Exd.)
S/o- Lt. Rabilal Giri
- 3) Shri Mon Bahadur Chetry (Exd.)
S/o- Lt. Rudra Bahadur Chetry
- 4) Shri Rishi Bahadur Chetry (Exd.)
S/o- Shri Mon Bahadur Chetry
- 5) Shri Chitta Bahadur Chetry (Exd.)
S/o- Lt. Mon Bahadur Chetry
- 6) Shri Dharam Deo Pandey
T.H.C. of Manja O.P.
- 7) Shri Ram Bahadur Chetry (Ex, 18/1/19)
S/o- Shri Mon Bahadur Chetry
- 8) Shri Sushil Nath (Exd.)
S/o- Shri Satyendra Nath
- 9) Shri Karna Bahadur Chetry (Expired)
S/o- (L) Gam Bah, Chetry
- 10) Smti Mina Chetry (Ex)
W/o- Shri Karna Bahadur Chetry
- 11) Shri Lakhiram Mazuar (Expired)
S/o- Shri Sukhi Ram Mazuar (Mazuar)

All of 9th Mile, Manja

P.S.- Diphu

- 12) Dr. Lalit Ch. Nath (Exd.)
Diphu Civil Hospital
- 13) Shri Hem Borah
A.S.I. of Manja O.P.
P.S.- DPU
- 14) Shri Prasanta Phukan S.I. (Exd.)
Of Diphu P.S.
- 15) Bibekananda Das S.I. (Examd)
Diphu P.S.

(5) If arrested, date and hour of arrest

(6) Date and hour of release and whether on bail or recognition

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

(8) Brief description of information action taken by police with result, and reasons for not proceeding further with investigation. (Note here whether purpose of the report has been communicated to the informant)

Brief of the charge

The prosecution story in brief is that at about 5.30 p.m. on 28/11/89, Sri Sabibal Chetry, S/O- Lt. Mon Bahadur Kharka Chetry, R/O- Manja 9th Mile, inflicted severe injury to co-villager Sri Ganesh Thapa by stabbing him on his stomach with a *Khukri* in front of the house of Sri Karna Bahadur Chetry and he was admitted at Diphu Civil Hospital for treatment. At 2 a.m. on 02/12/89, Sri Ganesh Thapa succumbed to the aforesaid injury.

In course of investigation, as the case is found to be well established against accused Sri Sabibal Chetry u/s 302 IPC, this charge sheet is being submitted to the Hon'ble Court for holding a trial against him under the provisions of the aforesaid section.

Witnesses named in 4th, 5th, 6th, & 7th column will substantiate the veracity of the case.

A seizure list of the seized articles in connection with this case, a medical report of the injured person, a P.M. report and a sketch map of the P.O. is enclosed herewith the charge sheet.

Sd/- Vivekananda Das

S.I.

P.S.- Diphu

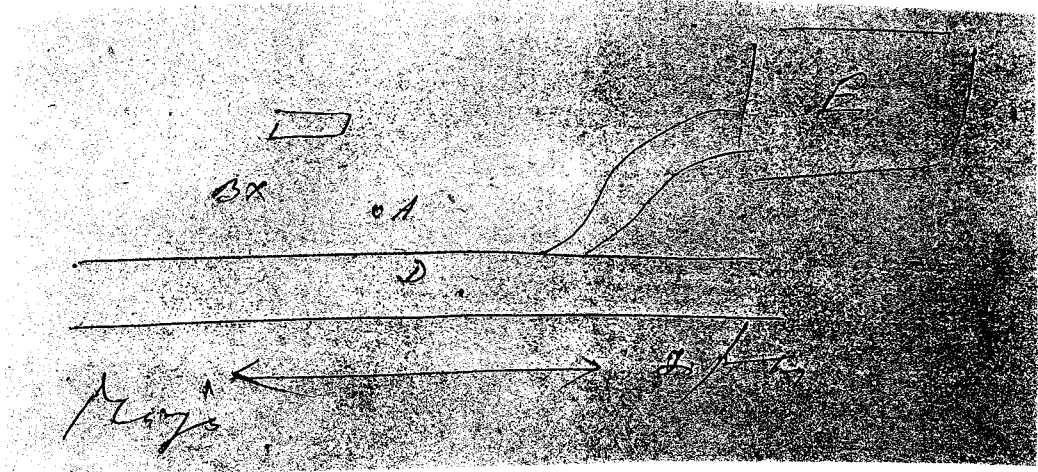
Date- 18/12/89

Forwarded to Ex DM through PI(D) Court.

Sd/- Illegible
22/12/89
O.C.(D) P.S.
Inspector Officer In-charge
Diphu Police Station
Karbi Anglong

Police (illegible seal) Diphu
 Dt. 23/12/89
 District Karbi Anglong, Assam

Sketch Map of the P.O.



'A' indicates the P.O.

'B' indicating the place from where the khukri used.

'C' indicating the house of Shri Karna Bah. Chetry.

'D' indicates the Diphu Manja Rd.

'E' indicates the house of Shabilal and his relatives.

Diphu Police Station
No.....
Date.....
Dist. Karbi Anglong, Assam

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

CHALAN FOR USE WHEN A DEAD BODY IS SENT FOR
EXAMINATION

Ref:- Diphu P.S. C/No. 278/89 U/s 326 IPC

Name and caste of deceased-

Ganesh Thapa

Nepali

Sex-

Male

Residence-

Manza Near Sugar Mill

Nepali bosti

Where body was found-

Diphu Civil Hospital

The branda of male surgical ward

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

2-12-89 @ 12-45 PM

At hospital

Means of dispatch-

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

1. **C/170 Jiten Ch. Bora**
2. **Rishi bahadur Chetry**
3. **Komol Chetry**

Marks on the body-

As per inquest report

Cause of death-

Unknown

Remarks noting what clothes and article were sent in with the body-

Sd/- Prasanta Phukan

S.I. of Police

Diphu P.S.

2/12/89

Ex. 1
Sd/- Illegible
A.D.C.

Diphu Police Station
No.....
Date.....
Dist. Karbi Anglong Assam

INQUEST REPORT

Ref: Diphu P.S. C/No. 278/89 U/s 326 IPC

Now I Sri Proshanta Phukon, S.I., Diphu P.S., in presence of the below mentioned witnesses, do hereby hold inquest on the body of the deceased Ganesh Thapa, upon identification of the deceased by Sri Rishi Bahadur Chetry, to the following effect:

The dead body is found lying on a bed in east & west direction in the verandah of the male surgical ward of Diphu Civil Hospital. The dead body is seen covered with a red blanket. When the cloth is removed, the head of the deceased is found facing upward in west direction. The hair of the deceased is long, eyes are half opened and mouth is closed. There is no shirt and trouser in the wearing of the dead body. There is a 'T' patterned surgical stitch just above the belly button on the stomach. There is a stab mark on the right waist near the belly and that wound is seen healed. The fist of deceased is found open and one hand is found on his chest. No ordure or urine/semen is seen oozing out from anus or urinary tract. The age of the deceased is about 19 years.

The deceased was admitted in the hospital for treatment and medical examination and the deceased died as a result of the injury caused with a sharp weapon. Yet, in order to know the actual cause of death, the dead body is sent for post mortem examination. The deceased was under medical treatment in that hospital in connection with the said case.

Witnesses:

1) Sd/- Shri Rishi bahadur Chetri

Ex. 1(1)
Sd/- Illegible
A.D.C.

2) Sd/- Kamal

3) Sd/- A. Saikia

2/12

D.C.H.

Ex. 1(2)
Sd/- Illegible
A.D.C.

Sd/- P. Phukan, S.I.
2/12/89
C/ Diphu Civil Hospital

Ex. 2
Sd/- Illegible
29/6/95
A.D.C.
29/6/95

Police Station Diphu
Dt. 23.12.89
District Karbi Anglong Assam

Seizure List

M.R. No. 185/89

Ref: Manja O.P. G.D.E. No. 474/89 Dt. 28/11/89

I S.I. B.N. Das I/C Manja O.P. do hereby seized the following Khukri in connection with ref. above G.D.E. from the jungle near the house of Shri Karna Bah. Chetry S/o Lt. Gam Bahadur Chetry of 9 Mile, Manja in presence of the following wits, and accd. Shabilal Chetry.

Descriptions of seized khukri:

1. A 'khukri' stained with blood and soil. It's length is about 18 inches and does not have handle. A part of the khukri measuring about 6 inches is stained with blood.

MEx. I
Sd/- Illegible
A.D.C.
29/6/95

Wits:

- 1) Sd/- Karna Bahadur Chettri
Of Manja
- 2) Sd/- Balbahadur Chettri
S/o- Late Hem Karna Chetry
Of Manja
- 3) Sd/- Mon Bahadur
S/o- Lt. Rudra Bah. Chetry
Of 9 Mile,
Manja

Ex. 2(1)
Sd/- Illegible
29/6
A.D.C.

Ex. 2(2)
Sd/- Illegible
A.D.C.

Sd/- Illegible
I/C Manja O.P.
28/11/89
C/ 9 Mile
Manja