

THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam, Nagaland, Mizoram & Arunachal Pradesh)

**LIMITED DEPARTMENTAL COMPETITIVE EXAMINATION FOR PROMOTION TO
GRADE I, OF MIZORAM JUDICIAL SERVICE, 2023**

Date : 23.07.2023 (Sunday)

Time: 9 A.M. -12 Noon

Total marks: 100

Duration : 3 Hrs.

[Instruction: The candidate is expected to refer to the relevant decisions of the Apex Court and the High Court while writing answers.]

PAPER III

CONSTITUTIONAL LAW(40 marks)

[Answer any three from Question Nos. 1 to 5]

3x10= 30 marks

1. Write an essay on the evolution of the Basic Structure doctrine by citing the relevant case laws.
2. Distinction between Article 32 and Article 226 of the Constitution of India.
3. Distinction between the Fundamental Rights and the Directive Principles of State Policy.
4. Write an essay on the Sixth Schedule to the Constitution of India.
5. Write an essay on the Constitutional safeguards of a Government servant with regard to his service.
6. Write a brief note on any two of the following-

2x5= 10 marks

 - (i) The provisions in the Constitution of India on Subordinate Judiciary.
 - (ii) Powers and jurisdiction of the Hon'ble Supreme Court under Article 142 of the Constitution.
 - (iii) Constitutional provision regarding Equal Justice & free legal aid.
 - (iv) Article 21 A of the Constitution of India.

JURISPRUDENCE (20 marks)

7. [Answer any two]

2x10= 20 marks

- (i) Short note on Law of Precedents.
- (ii) Short note on the Doctrine of Proportionality in imposing penalty in disciplinary proceedings.
- (iii) Short note on 'Rule of Law'.
- (iv) Short note on the codification of tortious liability.

JUDGMENT WRITING (40 marks)

8. Write a judgment on the basis of materials available in the enclosed paper book.

PAPER BOOK

SESSIONS CASE NO.: 289/2013

DISTRICT: GOALPARA

THE STATE OF ASSAM

Vs

SRI MANISH KUMAR DAS @ RAJA.....Accused Person

INDEX

Sl. No.	Description of Papers	Page No
1.	F.I.R.	1- 4
2.	Ejazar, Ext. 1-1(1)	5-7
3.	Charges with Two Heads	8
4.	Commitment order dtd. 07.08.2013, passed by the Addl. Chief Judicial Magistrate, Goalpara, Assam in G.R. Case No. 655/2011.	9
5.	Deposition of P.Ws. 1-12	
6.	P.W. 1 – Dharani Kt. Kalita.	10-12
7.	P.W. 2 – Smt. Sewali Kalita	13-16
8.	P.W. 3 – Rupam Kalita.	17-19
9.	P.W. 4 – Ratan Saha.	20-21
10.	P.W. 5- Smt. Sefali Das.	22-23
11.	P.W. 6 – Ramisha Begum.	24-25
12.	P.W. 7 – Dr. Somser Ali	26-27
13.	P.W. 8 – Dr. Dipak Kr. Sarma.	28-29
14.	P.W. 9 – Mutt. Arsheda Bewa.	30
15.	P.W. 10 – Basudev Kalita	31-32
16.	P.W. 11 – Ritumani Boiragi.	33

17.	P.W. 12 – Bidya Sagar Singha.	34-35
18.	Examination of Accused persons, U/S- 313 Cr.P.C.	36-39
19.	Inquest Report, Ext. 2-2(3).	40-44
20.	Statement of witness U/s 164 Cr.P.C., Ext. 3-3(1)	45-46
21.	Dying Declaration, Ext. 4-4(2).	47
22.	Post Mortem Report, Ext- 5-5(1).	48-53
23.	Seizure List (MR No. 15/11), Ext. 6-6 (1).	54-55
24.	Seizure List (MR No. 17/11), Ext. 7-7 (1).	56-57
25.	Seizure List (MR No. 16/11), Ext. 8-8 (1).	58-59
26.	Sketch Map, Ext. 9-9(1)	60-61
27.	Charge Sheet, Ext. 10-10 (1).	62-69



Seen
Sd/- Illegible
I/C Chief Judicial Magistrate
Goalpara
24-4-11

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

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

G.R. No. 655/11

1. District- **Goalpara** P.S.: **Goalpara** Year: **2011** FIR No.: **145** Date: **20.4.2011**
2. (i) Act: **Major** Sections: **302/304 B/34 IPC**
(ii) Act: Sections:
(iii) Act: Sections:
(iv) Other Act & Section:
3. (a) General Diary Reference: Entry No.: **689** Time: **5.00 PM**
(b) Occurrence of Offence Day: **Thursday** Date: **20.4.2011** Time:
(c) Information receipt date: **20.4.2011** Time: **5.00 PM** GD No.: **689**
at Police Station
4. Type of Information: **Written**
5. Place of Occurrence:
(a) Direction and Distance from P.S.: **At about 5 KM North**
(b) Address: **Swaraj Road Near Paku Cinema Hall, P.S.- Goalpara**
Dist- Goalpara Beat No.:.....
(c) In case outside limit of this Police Station then the Name of P.S.-
.....District:.....

6. Complainant/Informant:

(a) Name – **Sri Dharani Kanta Kalita**(b) Father's Name – **Lt. Khargeswar Kalita**(c) Date/Year of Birth – **56 yrs**(d) Nationality – **Indian**

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

(f) Occupation: **Driver**(g) Address – **Vill. Fofonga Pt II P.S.- Agia Dist.- Goalpara**

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

(1) **Sri Monish Das S/o- Lt. Mohesh Das**(2) **Smti. Fulkumar W/o- Lt. Mohesh Das****Both of Swaraj Road Near Paku Cinema Hall****P.S.- Goalpara, Dist.- Goalpara**(3) **Sri Subhash Das (Bhini) S/o- Unknown**(4) **Sri Bhablu Das S/o- Unknown****Both of Kalita Para P.S.- Goalpara Dist.- Goalpara (Assam)**

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:

3

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Goalpara
24-4-11

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

On 20.4.2011 at about 10 AM the F.I.R. named accused jointly demanded 3 (three) lakhs rupees as dowry from the complain daughter Niva Kalita and assaulted her. Lastly accused also poured kerosene and set fire on the body of complain daughter as a result complain daughter has received a grievous injury as soon as complain daughter admitted to Goalpara Civil Hospital by neighbour for treatment in a critical condition but Civil Hospital doctor refers to complain daughter GMCH on way complain daughter succumbed. Hence the case.

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. B.S. Singh will take up the investigation of 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/- Sri Dharani Kanta Kalita

Signature/Thumb impression of
the Complainant/Informant

Sd/- Illegible
20/4/11

Signature of the Officer In-charge,
Police Station

Name: **Deepak Kr. Das**

Inspector O.C.
Goalpara Police Station
Date- 20/4/2011

Rank:

Number, if any:

4

The written report of the complaint received at this P.S. and treated as F.I.R.
which is enclosed herewith.

Sd/- Deepak Kr. Das
Inspector O.C.
Goalpara Police Station
Date- 20-4-2011

Ex. 1
Sd/- Illegible
SJ

5
GR No. 655/11

Seen
Sd/- Illegible
I/C Chief Judicial Magistrate
Goalpara
24-4-11

To,

The O/C, Goalpara Police Station
Goalpara

Date: 20/04/11

Sub: Ejahar

Informant: Sri Dharani Kanta Kalita
S/O- Lt. Khargeswar Kalita
R/O- Fofonga Pt.-II, P.S. Agia
Dist. Goalpara (Assam)

Sir,

Humble submission is that about 5/6 years ago from today the informant's daughter Nibha Kalita Das socially got married with the below mentioned accused no. 1 as per Hindu rites and rituals. After that marriage, informant's daughter went to the house of the accused along with accused no. 1 and started their conjugal life. The informant's daughter gave birth to two girl children while living with accused no. 1. From the very early stage of married life, accused no. 1 physically and mentally tortured Nibha Kalita, daughter of the informant, at the instigation of accused no. 2, and sometimes brutally assaulted her. Moreover, both the accused brutally assaulted the informant's daughter by demanding dowry of Rs. 300,000/- (three lakhs). Still, the informant's daughter endured all the atrocities to continue the married life. But around 10.00 a.m. today i.e. on 20/04/11, again demanding Rs. 300000/- (Three Lakhs) as dowry from

6

informant's daughter, the below mentioned accused persons with the intention to kill her, assaulted her brutally and poured kerosene oil on her person and set fire on her. As a result the informant's daughter sustained severe burn injuries. Later, on hearing hue and cry the neighbours went there and admitted the girl in half-burnt state at Goalpara Civil Hospital. As the condition of the girl is critical, she has been referred to GMCH. But she passed away in Bako on the way to GMCH.

Therefore I request you to investigate the matter and take necessary action in this regard.

Name & address of the accused

1/ Sri Manish Das, S/O- Lt. Mohesh Das

2/ Phulkumari W/O- Lt. Mohesh Das

3/ Sri Subhash (brother-in-law) S/O- Unknown

4/ Dablu Das S/O- Unknown

Accused no. 1 and 2 are residents of Swaraj Road (Near Paku Hall)

Accused no. 3, and 4 are residents of Kalitapara

All are under Goalpara P.S.

Dist. Goalpara(Assam)

Ex. 1(1)
Sd/- Illegible
SJ

Yours faithfully

Sd/- Sri Dharani Kanta Kalita

7

Received and registered vide Goalpara Case No. 145/2011 U/s 302/
304 B/34 I.P.C.

Sd/- Deepak Kr. Das
Inspector O.C.
Goalpara Police Station
Date- 20-4-2011

CHARGES WITH TWO HEADS

(No. XXVIII (II). Schedule V. Act. V, 1898)

(Sections 221, 122, 223, Code of Criminal Procedure)

(1) Name and office of the presiding officer I, Sri. M.Ahmed, A. J. S.
Sessions Judge,
Goalpara

(2) Name of the - hereby charge you
accused persons 1) Manish Kr. Das
as follows

Manish Kr. Das
Firstly- That Niva Kalita your wife died an unnatural death and prior to death, she was subjected to cruelty on demand of dowry.

And thereby committed an offence punishable u/s 304(B) IPC.

Secondly -That you on 20/04/11 intentionally caused death to your wife Niva Kalita daughter of informant Dharanidhar Kalita by pouring kerosene oil on her person.

And thereby committed an offence punishable Under Section 302 IPC.

And within my cognizance.

The charge is read over and explained to the accused person to which he pleads not guilty and claims for trial.

Sessions Judge,
Goalpara.

And I hereby direct that you be tried by the Court of Sessions on the said charges.

Dated the 3rd day of Jan, 2014

Sessions Judge,

Goalpara.

9
egR- 655/11

7/8/13

Accused Sri Munish Kr Das is present.

Copy furnished.

The case is committed to the Hon'ble Sessions Court as it is a case u/s 302/304B IPC.

B.A is to send the case record. PI, Goalpara is to produce the seized articles, if any, before the Hon'ble Sessions Court on date fixed. Inform Id P.P. Accordingly.

Accused person is allowed to remain on previous bail in view of the petition No. 6742 till next date with a direction to appear before the Court of Hon'ble Sessions Judge, Goalpara.

Fixed 19/9/13 for appearance before the Court of Hon'ble Sessions Judge.

✓
Addl. Chief Judicial Magistrate
Goalpara :: Assam.

10

Sessions Case No. 289/13

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF **P.W.:- 1**

Aged about 59 Years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878, before me **M. Ahmed, Sessions Judge, Goalpara**

This **24-07-2014**

My name is : **Dharani Kt. Kalita**

My father's name is : **Late K. Kalita**

I am

By caste :

My house is at Mauza :

Police Station :

District :

I reside at present in Mauza : **Fofonga Pt II** Police Station : **Agia**

District :

where I am : **Cultivator**

O/S/A

I lodged Ext. 1 the ejahar and Ext. 1(1) is my signature. Deceased Nibha Kalita was my daughter. I married off her with Manish Kumar Das about 4 years ago. The incident took place in the year 2011.

Accused's house is at Swaraj Nagar, Goalpara. They lived there as husband and wife. They have two daughters. I worked as a driver of St. Xavier School, Krishnai. On that day I was at Krishnai. My wife Sefali Kalita informed me over phone from home that Nibha had been set ablaze by pouring kerosene oil on her; that she was at the civil hospital at that time and that I had to go there.

Immediately, I along with the principal went to Civil Hospital, Goalpara. Arriving there, I came to know that after taking bath while my daughter was praying in the worship home, the accused poured kerosene oil on her and set her ablaze with the help of a match box. Around 11 a.m. I arrived at the hospital. At that time my wife Sefali, nephew Dipen Das and two other people were present there. I do not know them.

On coming to know about the incident, I lodged the ejahar. My daughter was referred to Guwahati but she died on the day while reaching Boko. Later her dead body was taken to the Civil Hospital. Post Mortem was done there. Police and Magistrate came and held the inquest on the dead body. Ext. 2 is the Inquest Report. Ext. 2(1) is my signature. Later as the dead body handed over to us, we performed her last rites.

Police questioned me about the incident. Quarrel took place between them earlier too. My daughter lodged ejahar but the matter was solved amicably.

XXXXXXXXXX

I did not see the incident with my own eyes. I do not know the names of the neighbouring people of my son-in-law's house. There are houses of other people near their house. I talk to them.

I asked them nothing about the incident.

I did not see the parts of my daughter's body where she sustained burn injuries.

I asked nothing about the incident to my son-in-law.

After the incident I did not go to the house of my son-in-law.

I do not know whether the doctor questioned the girl or not.

I lodged the Ext. 1 after the death of my daughter.

I do not remember as to when I lodged the ejahar.

I do not know whether mention is made in the ejahar about the ejahar that was lodged before the death of my daughter.

It is not a fact that the accused did not set my daughter in ablaze.

It is not a fact that my daughter did not give any statement as I said before her death.

It is not a fact that that was an incident while she was cooking.

It is not a fact that at the time of the incident my son-in-law was not at home.

It is not a fact that at the time of the incident on hearing hue and cry my son-in-law went there and when he tried to extinguish fire he also sustained burn injuries.

Sd/- Sri Dharani Kanta Kalita

R.O. & A.C.

Sd/- Illegible

24/7/2014

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF **P.W.:- 2**

Aged about 45 Years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878, before me **M. Ahmed, Sessions Judge, Goalpara**

This **18th April 2015**

My name is : **Smt. Sewali Kalita**

My husband's name is : **D.K. Kalita**

I am

By caste :

My house is at Mauza :

Police Station :

District :

I reside at present in Mauza : **Fofonga (illegible)** Police Station : **Agia**

District :

where I am : **Housewife**

O/S/A

The informant is my husband. Victim Nibha Kalita Das is my daughter. On 20/4/2011 the incident took place. It was a Wednesday. Accused Manish Kumar Das is my son-in-law. They got married about 5/6 years ago before the incident, they lived together. They stayed Swaraj

Nagar, Goalpara Town. I was at my home. Around 11/12 a.m. some unknown person informed me over phone that accused Raja @ Manish Kr. Das set my daughter ablaze and I have to go there quickly.

My husband works as driver at Krishnai English School. I informed my husband over phone.

Along with another daughter Banti Kalita, I came to Goalpara Civil Hospital.

At the hospital I found Nibha. I saw burnt injuries on her person.

Nibha was in a state of speaking.

On being asked she replied that Raja had poured kerosene oil on her and set fire on her. She asked us to immediately take her to Guwahati.

My husband lodged a case.

Nibha was taken to Guwahati for treatment. Nibha has two daughters. The elder one is Isha Das, she is about 8 years and the youngest is Sangita Das and she is about 5 years. I accompanied her to Guwahati. While we reached Singra she became senseless.

Then we entered at Boko Hospital, the doctor declared her dead there and then we brought the dead body to Goalpara P.S.

The Police took the dead body to Civil Hospital. Magistrate came and prepared documents on the dead body. Thereafter Post Mortem was done on the dead body. After that the dead body was taken home and performed the last rites.

Police examined me. I brought Isha to the court. Her statement was recorded. I put my signature therein. Ext. 3 is the said statement. Ext. 3(1) is my signature. Both the daughters of the deceased are now with us.

XXXXXXXXXX

I do not remember after how many days of the incident, I brought Isha to the court. The accused was sent to jail on that day itself.

The eldest daughter accompanied us to the hospital. While we took my daughter to Guwahati, Isha was sent home by boarding her in a vehicle in Bolbola. Since that day, to the day of giving her statement, she stayed with us.

After the incident I did not go to the house of my son-in-law. One year after the marriage, their elder daughter born. Then Isha was about 5 years. Banti stayed with me and she was attending school. She stayed with us for about 15/16 years. Nibha was kept laid on a bed. About 2/1 other patients were there. The nurse kept coming and going. While my daughter and I were talking a nurse was there. I do not know that nurse.

I did not state before police that there was a nurse. She sustained burn injuries over the whole body. There was a nighty. I myself went there. Burn injuries sustained on the hands and chest. Her face was remained unharmed. The whole body sustained burn injuries.

About 2/3 hours after my arrival Nibha was taken to Guwahati.

I do not know about how many times before my arrival, Nibha was admitted at the hospital.

None of our family members reached there before I reached there.

I do not know who had admitted Nibha in the hospital.

The girl used to pray God. There is a prayer hall in the house of the accused. Nibha used to light lamp there frequently.

She was cremated on the following day of the incident. There were some ornaments in the hands of the deceased.

I did not give anything from the deceased's person to police.

Today, I have deposed in the court, as I heard Nibha, making her statement before her death.

It is not a fact that the accused did not set my daughter ablaze.

It is not a fact that Nibha told nothing about the accused.

While taking my daughter to Guwahati my brother-in-law Dipan Kalita was in the ambulance.

Inside the vehicle she was shouting as 'save me', 'save me'. My brother-in-law sat beside the driver.

It is not a fact that while Nibha was worshiping, her clothes caught fire.

It is not a fact that the accused extinguished the fire. It is not a fact that my son-in-law sustained burn injuries in his hand. It is not a fact that that was an accident. The mother of the two daughters had been giving Rs. 3000/- per month to the accused.

Sd/- Sri Sewali Kalita

*R.O. & A.C.
Sd/- Illegible
18/4/2014*

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF **P.W.:- 3**

Aged about 31 Years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878, before me **M. Ahmed, Sessions Judge, Goalpara**

This **18th April 2015**

My name is : **Rupam Kalita**

My father's name is : **D.K. Kalita**

I am

By caste :

My house is at Mauza :

Police Station :

District :

I reside at present in Mauza : **Bolbola Pt II** Police Station : **Agia**

District :

where I am : **Off Set Press Agia**

O/S/A

The informant is my father. The accused is my brother-in-law (younger sister's husband). His pet name is Raja. Deceased Nibha was my younger sister. The accused stays at Goalpara. On 20th April, 2011 the incident took place. On that day I went to Bongaigaon. Around 10 a.m. my

mother informed me over phone that something had happened to Nibha and asked me to go to the Civil Hospital. Around 11a.m. I arrived at the Civil Hospital. I found Nibha in the hospital with burn injuries. I saw burn injuries on her person. She was in a state of speaking.

On being asked Nibha replied that the accused assaulted her on the previous day; that on that day she was inside the worship room; that the accused poured kerosene oil on her person and set her ablaze and closed the door from outside and that after sometime he took Nibha out and poured water on her.

Thereafter Nibha was taken to the Civil Hospital.

Nibha was taken to Guwahati for better treatment. I also went and my mother, my elder brother (son of my mother's elder sister) etc. also accompanied us. Nibha died on the way. Thereafter we brought the dead body to Goalpara. My father lodged a case. Magistrate came and prepared Inquest Report on the dead body. I put my signature therein. Ext. 2 is the Inquest Report. Ext. 2(2) is my signature. After that Post Mortem was held on the dead body. Police did not examine me.

XXXXXXX

Police did not interrogate me. I did not state before police whatever I have stated in the court today. I did not go through Ext. 2. I passed matriculation examination. I do not know whether anything is mentioned in Ext. 2 about burn injury. Photograph of the dead body was taken. Last rites were performed on the third day. I do not know whether police went there

19

or not. I do not stay at home. It is not a fact that police examined me and that I did not state before them anything as I stated today.

Sd/- Sri Rupam Kalita

R.O. & A.C.
Sd/- Illegible
18/4/2015

(20)

Sessions Case No. 289/13

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF **P.W.:- 4**

Aged about 45 Years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878, before me **P.K. Buragohai, Sessions Judge, Goalpara**

This **17th August 2015**

My name is : **Ratan Saha**

My father's name is : **Lt. K.M. Shaha**

I am

By caste :

My house is at Mauza :

Police Station :

District :

I reside at present in Mauza : **Kachain Road** Police Station : **Goalpara**

District :

where I am : **Shop-keeper**

O/S/A

I know the accused. He is my neighbour. Deceased Nibha Kalita was his wife. They have two daughters. Around 10 a.m. one day about 4 years ago the incident took place. At that time I was in the shop. I remember that Nibha Kalita sustained burn injuries and she was taken in an

(21)

ambulance. Later, Nibha Kalita died. I do not know as to how she caught fire. I have to say this much only.

XXXXXXX

Declined by defence

LTI of Ratan Saha

Taken by me

Sd/- Illegible

17/8/15

R.O. & A.C.

Sd/- Illegible

17/08/15

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF **P.W.:- 5**

Aged about 55 Years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878, before me **P.K. Buragohai, Sessions Judge, Goalpara**

This **17th August 2015**

My name is : **Smti. Sefali Das**

My father's name is : **Lt. Prafulla Kr. Das**

I am

By caste :

My house is at Mauza :

Police Station :

District :

I reside at present in Mauza : **Swaraj Road** Police Station : **Goalpara**

District :

where I am : **Dependent**

O/S/A

I know the informant. I know the accused. The accused is my neighbour. Deceased Nibha Kalita was the wife of the accused. The incident took place around 10 a.m. At that time I was at my home itself. I heard hue and cry in the house of the accused and came to know that

23

Nibha Kalita caught fire and the sustained injuries. And that she died while taking in the ambulance. I have to say this much only.

XXXXXXX

I did not go to see Nibha Kalita while she was in injured condition.

Sd/- Safali Das

*R.O. & A.C.
Sd/- Illegible
17/08/15*

24

Sessions Case No. 289/13

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF **P.W.:- 6**

Aged about ____ Years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878, before me **P.K. Buragohai, Sessions Judge, Goalpara**

This

My name is : **Ramisha Begum**

My father's name is : **W/o Babul Mirdha**

I am

By caste :

My house is at Mauza :

Police Station :

District :

I reside at present in Mauza : **Swaraj Road** Police Station : **Goalpara**

District :

where I am : **House wife**

O/S/A

I know the informant and the accused. Nibha Kalita was the wife of the accused. The incident took place in daytime one day about 4 years ago. The accused and Nibha Kalita led a conjugal life. I heard that in the morning hours on the day of incident quarrel took place between Nibha

and the accused. At the time of the incident I was at Florence Hospital. On being heard about the incident I came to my home and heard about that incident. Later I did not see Nibha Kalita as she was taken to the hospital. Later, Nibha Kalita died. I have to say these much only.

XXXXXXX

Declined by Defence.

Sd/- Ramisa Begum

R.O. & A.C.
Sd/- Illegible
17/08/15

FORM FOR RECORDING DEPOSITION

Sessions Case No.289/13

THE DEPOSITION OF PW-7

Aged about 57 years taken in oath or solemn affirmation under provision of the Indian Oaths Act X of 1978, before Me : Sri P. Buragohain, Sessions Judge, Goalpara.

The 29th day of August, 2015.

My name is Dr. Somser Ali, S/o late Iman Ali.

I am residing at Goalpara.

I am working as SDM & HO at Goalpara Civil Hospital, Goalpara.

On S/A

On 20.4.2011, I was posted as Sr. M & H O at Goalpara Civil Hospital. On that date, as per police requisition in connection with Goalpara PS Case No.145/11, I recorded dying declaration of Niva Das, wife of Manish Das of Swaraj Road, Goalpara. As per her version on that date at about 10-00 a.m, her husband under the influence of alcohol started beating upon her and set fire after pouring kerosene oil on her body. And she was thereafter brought to Goalpara Civil Hospital by an 108 Ambulance. Ext.4 is the said dying declaration recorded by me and Ext.4(1) is my signature. Niva Das also put her thumb impression on her dying declaration in my presence.

XXXXXXXXXX

to the place of by

I did not mention in the Ext.4 as to the preparation of the dying declaration as well as time. In Ext.4 there are some over-writings done by me. But I did not put my initial on the over-writings. There is no endorsement as to who took the thumb impression of Niva Das. It is not a fact that the thumb impression on Ext.4 is not the

to

to

(27)

thumb impression of Niva Das. I can not say now the percentage of burn of the patient at the time of recording the dying declaration. Consciousness of the burnt patient depends on the severity of burn, nature of burn etc. It is not a fact that Niva Das was unable to give dying declaration in the hospital. I did not mention the police reference case number in the dying declaration recorded by me.

R/o & A/C



Sessions Judge
Goalpara



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

FORM FOR RECORDING DEPOSITION.
THE DEPOSITION of PW 8

Aged about 54 years taken in oath or solemn affirmation under provision of the Indian Oaths Act, X of 1978, before Shri P. Buragohain, Sessions Judge, Goalpara.

This 18th day of August, 2016.

My name is Dr. Dipak Kr. Sarma.

S/o late Nripendra Nath Sarma.

I am Hindu by caste.

I reside at Goalpara Town, P.S. & Dist. Goalpara.

Where I am working as Sub-Divisional Medical & Health Officer at Goalpara Civil Hospital.

On Oath,

On 21.4.2011 while I was working as Senior Medical & Health Officer at Goalpara Civil Hospital, I performed post mortem examination on the dead-body of Nibha Kalita Das, female, aged around 26 years, Hindu by religion, w/o Manish Das @ Raju, of Swaraj Road, PS & Dist. Goalpara in connection with Goalpara PS Case No.145/11 u/s 302/304B/34 of IPC brought and identified by UBC 414 Abdus Sattar Sk of Goalpara POP and found the following:

External appearance

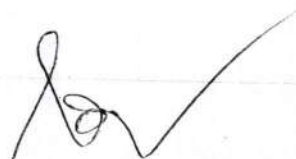
A healthy female dead-body with rigor mortis present all over four limbs. About 80% superficial burn injury found over entire body except both lower limbs below knee. The blisters were already ruptured and there were a line of redness seen in some healthy and burn area. The base of the blisters were white in colour.

Thorax

Walis ribs and cartilages:- Chest wall burnt anteriorly.

Abdomen

Walls :- Superficial burn injury seen.



Dipak Kr. Sarma

Mouth, pharynx, Oesophagus: Larynx is oedematus and contains blackish particle.
Mouth and Pharynx healthy.

More detailed description of injury or disease

About 80% superficial burn injury found over entire body except both lower limbs below knee joint. A zone of redness seen below knee joint of both limbs which separates the healthy and burnt skin. Rupture skin vesicle seen over burnt area. The base of the rupture vesicle contains clotted blood, looks reddish in colour.

Opinion

In my opinion death was due to neurogenic and hypovolumic shock as a result of 80% superficial burn which was ante mortem in nature.

Ext.5 is the post mortem report and Ext.5(1) is my signature.

xxx

cross-examination

xxx

Such type of patient having injury of such nature may talk for a certain period before death.

R O & A C



Sessions Judge
Goalpara

Dipak K. Sarmah

FORM FOR RECORDING DEPOSITION

Sessions Case No. 289/13

THE DEPOSITION OF PW-9

Aged 60 years taken in oath or solemn affirmation under provision of the Indian Oaths Act X of 1978, before Me : Sri P. Buragohain, Sessions Judge, Goalpara.

The 1st day of February, 2018.

My name is Mustt. Arsheda Bewa,

W/o late Eunus Ali,

I reside at Swaraj Road, Goalpara Town, PS & Dist. Goalpara.

Where I am house wife.

On S/A

I know the accused and also the deceased i.e. his wife. The wife of accused died on burn injury. On arrival of 108 ambulance, I went to the house of the accused and in that ambulance the injured was taken to hospital. After a while, police went there and recorded my statement and I was asked to put my signature on a paper. Ext.6(1) is my signature on Ext.6.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

I do not know the contents of the paper on which I put my signature.

R/o & A/C


Sessions Judge
Goalpara

Ext.6(1) is my signature on Ext.6

31

Session Case No. 289/13

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 58 Years taken in oath or solemn affirmation under provisions of the Indian Oaths Act X of 1878, before me **Sri P. Buragohain, Sess/Spl. Judge, Goalpara**

This **15th May 2018** day of

My name is : **Basudev Kalita**

My father's name is : **Lt. Khargeswar Kalita**

I am

By caste :

My house is at Mauza :

Police Station :

District :

I reside at present in Mauza : **Bolbola Pt- I** Police Station : **Agia**

District :

where I am : **Service**

O/S/A

The informant is my elder brother. Nibha Kalita is the daughter of my elder brother. On the day of incident while I was in my office, I received information over phone that Nibha was admitted at Civil Hospital, Goalpara with burn injuries. Arriving there I saw burn injuries over the whole body of

Nibha, but she was in a state of speaking. She said before me in this manner-"Uncle, my husband poured kerosene oil on me and set me ablaze." The doctor referred her to Guwahati and while being taken to Guwahati in an ambulance of the Civil Hospital she breathed her last on the way to Guwahati. On the way we admitted her at Boko Hospital. The doctor examined her and declared her dead and then we returned to Goalpara Civil Hospital and Post Mortem was held on the following day. Before that police held Inquest on the dead body. I put my signature on the Inquest Report. Ext. 2 is the Inquest Report and Ext. 2(3) is my signature. After holding Post Mortem Examination we took the dead body to our house and cremated there. Nibha has two daughters. I have to say these much only.

XXXXXXX

I do not remember if I went through the Inquest Report. At the time of lodging the ejahar police interrogated me. I do not remember whether I stated before police the facts that I have stated today. It is not a fact that I did not state before police the facts that have stated today. It is not true that while Nibha was working, she accidentally caught fire.

Sd/- Basudev Kalita

R.O. & A.C.
Sd/- Illegible
15/05/18

FORM FOR RECORDING DEPOSITION.**THE DEPOSITION OF PW - 11**

Age years taken in oath or solemn affirmation under provision of the Indian Oaths Act, X of 1978, before Shri P. Buragohain, Sessions Judge, Goalpara.

This 6th day of September, 2018.

My name is Ritumani Boiragi,

I reside at village Mandakata, PS Changsari, Dist. Kamrup, Assam.

Where I am a Asstt. Sub Inspector of Assam Police.

On S/A

On 20.04.2011, I was posted at Goalpara Civil Hospital as I was undergoing as ^{male} Constable Nurse at that time. On that date, one female burnt patient was admitted at Goalpara Civil Hospital. I provided her first aid and on duty doctor Shomser Ali attended the patient. At that time of treatment, Dr. Shomser Ali recorded statement of the patient in my presence. The patient disclosed that her husband under the influence of alcohol causing mar-pit poured kerosene oil and set fire on her. Thereafter, I put my signature in the dying declaration as witness. Ext.4 is the said dying declaration and Ext.4(2) is my signature. Thereafter, I came back to attend other patients.

Cross XXXXXXXXXXXXXXXXXXXXXXXX Cross

Earlier, the patient was not known to me and I cannot recollect the name of the patient now. Police did not record my statement. I did not state before the police what I have deposed today in the court. While I was giving first aid, the body of the patient was covered by cloth and I did not see the injuries. As first aid, saline was given to the patient. It is not a fact that the patient was unable to speak. At that time, myself and the attending doctor present and no other person was there. It is not a fact that the patient did not give any statement.

R/o & A/C



Sessions Judge
Goalpara

for Ritumani Boiragi
Date 06/09/2018

FORM FOR RECORDING DEPOSITION.**THE DEPOSITION OF PW 12**

Aged 58 years taken in oath or solemn affirmation under provision of the Indian Oaths Act, X of 1978, before Shri P. Buragohain, Sessions Judge, Goalpara. This 29th day of October, 2018.

My name is Bidya Sagar Singha,

S/o late Parasu Ram Singha,

Presently posted as SI of Assam Police at Sivsagar Police Station, Assam.

On S/A

On 20.4.2011, I was posted at Goalpara Police Station. On that date, we received a telephonic information about commission of crime at Swaraj Road, near Paku Cinema Hall, Goalpara Town and that information was entered vide Goalpara PS GDE No.319 dated 20.4.2011 and I was deputed to proceed to Goalpara Civil Hospital where the victim was admitted for medical treatment. There, I interrogated and recorded the statement of victim woman Niva Kalita Das and also submitted prayer before the doctor to record her dying declaration. Dying declaration was recorded by a doctor and after that she was referred to Gauhati Medical College and Hospital. Thereafter, I also examined and recorded the statement of other witnesses.

I visited the place of occurrence, prepared the sketch map. Ext.9 is the sketch map and Ext.9(1) is my signature.

Victim Niva Kalita died on the way to GMCH. Then, she was brought back to Goalpara Civil Hospital again. The dead body was inquested by an Executive Magistrate and the dead body was sent to Goalpara Civil Hospital for post mortem examination and report.

During investigation, I seized some half burnt clothes, some ashes of burnt clothes, one broom having some ashes and long hairs on the top of the broom, vide Ext.7. I also seized a small kerosene bottle vide Ext.8. I also seized some half

Bidya Sagar Singha
29/10/18

Se

burnt clothes vide Ext.6. I also arrested the accused and forwarded him to col
collected the post mortem report. On completion of the investigation, I submitted
the charge sheet against accused Manish Kr. Das @ Raja. Ext.10 is the charge-
sheet and Ext.10(1) is my signature.

Cross XXXXXXXXXXXXXXXXXXXXXXXX Cross

Extract copy of the GD Entry has not been submitted along with the charge-
sheet. I arrived at the Goalpara Civil Hospital at 1-10pm. Thereafter, I submitted
the prayer for recording dying declaration. I did not notice relatives of the victim in
the Civil Hospital. AT the time of recording dying declaration of the
victim/deceased, I was absent. I visited the place of occurrence on that very day in
the afternoon, but it was found closed since the PO was inside the house and the
house was found closed. On the next day, I again visited the place of occurrence
and recoded the statement of witnesses Arsada Bewa, Tapash Das and Babul
Mirdha who are the adjacent neighbours.

R/o & A/C



Sessions Judge
Goalpara

Goalpara Civil Hospital
29/10/18
-18-
Babul Mirdha

Assam Schedule VIII, Form No. 99

High Court Criminal Form No. (M) 85

FORM OF RECORDING EXAMINATION OF ACCUSED

Examination of Accused Person

(Section 313 of the Criminal Procedure Code)

The examination of : **Accd Munish Kr. Das**

aged about : **43** years, taken before me : **T.K. Bhattacharya**

Magistrate of the : **Session Judge** at : **Goalpara** on

the : **25th** day of : **Feb, 2019** in the : **Assamese** language,

interpreted by : **myself**

My name is: **Monish Kr. Das**

My father's name is: **Lt. M.C. Das (Mahesh Chandra Das)**

I am by caste: and by occupation: **Bank employee (Retd.)**

My home is at Mouza: **Kalitapara** Police Station: **Goalpara**

District: **as above** I reside at: **as above**

Sd/- Monish Kr. Das

(Signature or mark of the
accused)

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

about 4 years prior to the occurrence

Q.1: The PW 1 stated that you married his daughter Nibha Kalita in the year 2011 and that he was informed that you burnt her by pouring kerosene oil. PW1 also stated that his daughter Nibha Kalita told him in the Goalpara Civil Hospital that you poured kerosene over her and set her on fire. PW1 also stated that he filed the ejahar, the Ext.1, and that his daughter was referred to Gauhati Medical College Hospital but on the way, she died. What have you to say?

Ans: I have nothing to say.

Q.2: The PW1 also stated that earlier also there used to be quarrel between you and your wife for which an ejahar was filed earlier; but the matter was subsequently compromised. What have you to say?

Ans. No.

Q.3: The PW-2 stated in her evidence that she was informed that her daughter Nibha Kalita was set on fire by you which was informed to her husband i.e. PW-1 and thereafter, she went to Goalpara Civil Hospital and found her daughter with burn injuries and Nibha Kalita, who was in a position to talk at that time told her that her husband Raja i.e. you, poured kerosene oil upon her and set her on fire. PW2 also stated that Nibha Kalita died on the way to Guwahati Medical College Hospital. The PW2 also stated that her statement was recorded through court which is Ext.3. What have you to say?

Ans. Nothing.

Q.4: The PW3 stated that Nibha Kalita was his sister and he went to Goalpara Civil Hospital on getting the information and found Nibha Kalita with burn injuries, but she was able to talk and she told him that on the previous day, the accused beat her and on that day, the accused (you) poured kerosene oil over her and set her on fire. PW3 also stated that Nibha expired while being taken to Guwahati. What have you to say?

Ans. I am innocent.

Q.5: The PW4 & the PW5 stated that Nibha Kalita had caught fire and she had died. What have you to say?

Ans. Nothing.

Q.6: The PW-6 stated that he came to know that there was a quarrel between you and Nibha Kalita on the date of occurrence. He also stated that thereafter, Nibha Kalita had died. What have you to say?

Ans. I am innocent.

Q.7: The PW-7 stated that on 20.4.2011, he was at the Goalpara Civil Hospital and he recorded the dying declaration of Nibha Das and as per her version, on that day, at about 10-00am, her husband under the influence of alcohol started beating her and set her on fire after pouring kerosene oil on her body after which she was brought to Goalpara Civil Hospital. The dying declaration that was recorded is marked as Ext.4 and according to this PW, Nibha Das had put her thumb impression in the Ext.4 in presence of PW7. What have you to say?

Ans. Nothing.

Q.8: The PW-8 stated that on 21.4.2011 he carried out the post mortem examination on the dead body of Nibha Kalita Das and found 80% superficial burn injuries upon her body with burnt chest wall, rupture skin etc. and in his opinion, death was due to neurogenic and hypovolumic shock as a result of 80% superficial burn injuries which were ante mortem in nature. His report was marked as Ext.5. What have you to say?

Ans. Nothing.

Q.9: The PW-9 stated that the wife of the accused died of burn injuries and that police took his signature in Ext.6. What have you to say?

Ans. Nothing.

Q.10: The PW10 stated that he found Nibha Kalita with burn injuries in the Goalpara Civil Hospital and she told him that her husband burnt her with kerosene oil. He also stated that Nibha Kalita had died while being taken to Guwahati. What have you to say?

Ans. Nothing.

Q.11: The PW-11 stated that on 20.4.2011, one female-burnt patient was admitted at Goalpara Civil Hospital and the on duty doctor Somsher Ali attended the patient and also recorded the statement of the patient in her presence during which the patient stated

that her husband beat her up under influence of alcohol and set her on fire with kerosene oil. PW-11 also put her signature in the dying declaration (Ext.4) as a witness. What have you to say?

Ans. Nothing.

Q.12: PW-12 stated that on 20.4.2011, Goalpara Police Station received a telephonic information which was duly entered as GDE No.319 dated 20.4.2011 and he was deputed to proceed to Goalpara Civil Hospital where the victim was admitted for medical treatment. The PW-12 also stated in his evidence that he recorded the statement of the victim woman Nibha Kalita Das and her dying declaration was also recorded by a doctor and thereafter, she was referred to Gauhati Medical College Hospital. The PW-12 also stated that he examined the other witnesses, visited the place of occurrence, prepared the sketch map, seized some materials vide Ext.6, 7 & 8, that he collected the post mortem report and subsequently, submitted the charge sheet against you vide Ext.10. What have you to say?

Ans. Nothing.

Q.13: Will you adduce any evidence or have anything more to say?

Ans. No. It is a false case and I am innocent.

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

RO & AC


Sessions Judge
Goalpara

25/2/19.

Ext. 2
Sd/- Illegible
SJ

40

INQUEST REPORT FORM

1. STATE: **Assam** DIST: **Goalpara** P.S.: **Goalpara Sadar**
FIR/A.D.NO./U.D.NO.: **145/11** YEAR:
2. ACT/SECTION: **U/s 302/304-(B)/34 IPC**
3. a) Place & time where – Place: **Swaraj Road Goalpara**
Dead body found/traced – Date: **20/4/11** Time: **10 AM (approx)**
b) Was the body cold/warm when found: **Cold**
4. Person who showed deadbody/- Name: **Sri Rupam Kalita**
Traced the dead body Age: **27 years**
Address: **Bolbola, Fofonga Majorpara**
PO- Bolbola
Dist.- Goalpara
5. Person who identified the body Name: **Sri Rupam Kalita**
Age: **27 years** Sex: **Male**
Address: **Bolbola, Fofonga,**
Goalpara
6. Dead body - Sex: **Female** M/F
Approximate age: **26 yrs**
Approximate date & time of death:
10 AM on 20/4/11
7. Position of deadbody - **Lying upside down**

41

8. Name & address (if known)-

Niva Kalita Das
Bolbola Fofonga
Dist.- Goalpara

P.M. done
Sd/- Illegible
21/4/11

9. Description of deadbody -

Niva Kalita Das
Built: **Sturdy** Height: **5'3"**
Complexion: **Brown**
Identification mark:
Deformities: **Burnt whole body**
Teeth: **Normal** Hair: **Normal**
Eyes: **Normal**
Dress: **Burnt body**
Burnmark: **Whole body burnt**
Luceoderma: **Nil**
Mole: Scar:
Tattoo: **Nil**
Other feature:

10. DESCRIPTION OF INJURIES FOUND ON DEADBODY (IF ANY)

A) Head: **Nil**

B) Face: **Nil**

C) In case of hanging cases the ligature mark to be noted whether circular
(Homicidal) or oblique (Suicidal)

D) Chest: **Not applicable**

E) Stomach: **-do-**

F) Limbs:- **-do-**

a) Right hand: **-do-**

b) Left hand: **-do-**

c) Right leg: **-do-**

d) Left leg: **-do-**

e) Private parts: **-do-**

f) Back: **-do-**

g) Other information like wounds bruises and marks of injuries/bleeding (if any): **Death by burning**

h) Whether the limbs/body is stiff or loose: **Loose**

Sd/- Illegible

21/4/11

11. a) Whether request made to Medical Officer to preserve Finger Prints of the dead body (if unknown) Yes/No✓

b) Photograph/V.D.O. of the body both form near or long distance should be taken. I/O to proceed to the P.O. with all necessary tools:

c) Whether deadbody sent Post-Mortem – **Yes**

d) Dead body sent for Post-Mortem to which Hospital/Place: **Goalpara Civil Hospital**

e) Dead body sent for **P/M**

Post Mortem through:

Whom name: **U/B/C, 414, Md. Abdus Sattar**

43

B. No.:

Posting:

Goalpara T.O.P.

f) Viscera (In case of lead due to suspected poisoning the M.O. to be requested to preserved the viscera) –

12. Opinion of witnesses and police about the cause of dead and weapons or instrument used thereof (if any): **By burnt**

13. More Information/Suspicion (if any)

14. Date & time of Inquest Report

Date: **21/4/11 at 12 noon**

Time: **12 noon**

Sd/- Illegible

21/4/11

15 NAME & ADDRESS OF WITNESSES & SIGNATURE

NAME OF WITNESS

SIGNATURE OF WITNESS

1. **Dharani Kanta Kalita**

Sd/- D. Kt. Kalita

Ext. 2(1)

Sd/- Illegible

SJ

2. **Rupam Kalita**

Sd/- Illegible

Ext. 2(2)

Sd/- Illegible

SJ

(44)

3. **Basudev Kalita**

Sd/- Illegible

Ext. 2(3)
Sd/- Illegible
SJ

4. **Dipu Das**

Sd/- Illegible

Signature of the Investigating Officer
Executive Magistrate

1. Name: **Padum Bahadur Chetri, A.C.S.**
2. Rank: **S.D.O. (Sadar)**
3. Posting/Address: **D.C. Goalpara**

Sd/- Illegible
21/4/11

Ext. 3
Sd/- Illegible
SJ

45

Goalpara P.S. Case No. 145/2011,
U/s- 302/304-B/34 I.P.C.

Assam Schedule VIII, Form No. 93

High Court Criminal Form No. (M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF:- **Witness No. 1 u/s 164 Cr.P.C.**

Aged about 4/5 Years taken in oath or solemn affirmation under
provisions of the Indian Oaths Act X of 1878, before me **Md. N.A.**

Laskar, AJS

This **24-04-2011** day of of

My name is : **Isha Das**

My father's name is : **Manish Kumar Das** I am

By Caste : My house is at Mouza :

Police Station : District :

I reside at present in Mouza : **Charachar** Police Station : **Goalpara**

District : **Goalpara** Where I am : **Student of Nursery**

I go to Oasis Academy School. I don't know my present age.

Being the child is reading at Nursery level her age will be 4/5 years,
and for which no oath administered to her.

In the morning on last Wednesday my father poured kerosene oil on my mother Nibha Kalita and set her ablaze. Later he took her outside the house by putting a nighty on her, doused the fire by pouring water and called an ambulance. Later my mother died. I witnessed that and I got frightened.

Before that my father assaulted my mother, pressed her neck and inserted a potato in her mouth. He assaulted her regularly. I have a younger sister and her name is Angita. My grandmother says that my mother is in the hospital and it will take time for her to return.

This witness being produced by Lalita Saikia, H/G, Goalpara P.S., accompanied by Shefali Kalita [Grand mother (Maternal)] of the witness, and recorded the statement in presence of both.

Sd/- Sri Shefali Kalita

Ex. 3(1)
Sd/- Illegible
SJ

Signature of H/G Lalita Saikia

R.O. & A.C.
Sd/- Illegible
24/04/2011

(47)

Ext. 4
Sd/- Illegible
SJ

Dying Declaration

I am Nibha Das, W/O- Manish Das, Swaraj Road, Goalpara (Police Station). Around 10 a.m. today he returned home in inebriated state, assaulted me, poured kerosene oil on me and set me ablaze. After that he brought me to the hospital.

LTI of Mrs. Niva Das

(1) Sd/- Illegible

Dr. S. Ali

Sr. Medical & Health Officer,

200 Bedded, Civil Hospital, Goalpara

Ex. 4(1)
Sd/- Illegible
SJ

(2) Sd/- N/C/20 Ritu Mani Bairagi

PW-11
nurse

Ext. 4(2)
Sd/- Illegible
SJ

Ext. 5
Sd/- Illegible
SJ

48

Office of the Joint Director of Health Services
14/2011
2/5/2011
Goalpara

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

POST MORTEM REPORT

352/11/A

Station : Goalpara Civil Hospital
Day of : 21/04/2011
Ref : Goalpara P.S. C/No. 145/11 U/s- 302/304(B)/341 I.P.C.

Name, Sex, age and caste :

Niva Kalita Das, Female
Aged around 26 yrs, Hindu

Whence brought Village and Thana :

W/o- Sri Manish Das @ Raja
Vill.- Swaraj Road
P.S.- Goalpara

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

UBC/414 Abdus Sattar Seikh, Goalpara P.O.P.

DATE AND HOUR OF

Despatch : 21/04/2011 at 12 noon
Arrival at dead house : 21/04/2011 at 12.20 PM
Examination : 21/04/2011 at 1 PM

Information furnished by Police : As per inquest report

By whom identified before Medical Officer : UBC/414 Abdus Sattar Skh,
Goalpara P.S.

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

I - EXTRANAL APPERANCE

1. Condition of subject stout emaciated, decomposed etc :

A healthy female dead body with rigor mortis present all over four limbs.

2. Wounds - position, and character :

(1) About 80% superficial burn injury found over entire body except both lower limbs below knee.

3. Bruise Position size and nature :

None

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

None

II - CRANIUM AND SPINAL CANAL

1. Scalp, Skull, Vertebrae : Healthy

2. Membrane : Healthy

3. Brain and and spinal cord : Healthy

III – THORAX

1. Walis ribs and cartilages : Chest wall burnt anteriorly & posteriorly

2. Pleurae :

3. Laryax and trachea :

4. Right lung :

5. Left lung :

6. Pericardium :

7. Heart :

8. Vessels :

Healthy

IV - ABDOMEN

1. Walls : Superficial burn injury seen

2. Peritonoum : Congested

3. Mouth, pharyanx, oesophagus : Larynx is oedematous and contains blackish particle. Mouth & pharynx is healthy.

4. Stomach and its contents : Healthy and contains semi digested food particles.

5. Small intestine and its contents : Healthy and contains liquid only.

6. Large intestine and its contents : Healthy and contains fecal matters only.

7. <u>Liver</u>	:	}	Healthy
8. <u>Spleen</u>	:		
9. <u>Kidneys</u>	:		
10. <u>Bladder</u>	:		
11. <u>Organs of generation external and internal</u>	:		

V - MUSCLES, BONES AND JOINTS

1. <u>Injury</u>	:	}	None
2. <u>Disease or deformity</u>	:		
3. <u>Fracture</u>	:		
4. <u>Dislocation</u>	:		

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

About 80% superficial burn injury found over entire body except both lower limbs, below knee joint. A zone of redness seen at below knee joint of both limbs which separate the healthy and burnt skin.

Rupture skin vesicle seen over burnt area, the base of the rupture vesicle contains clotted blood, looks reddish in colour.

OPINION OF ASSISTANT SURGEON AS TO CAUSE OF DEATH

SUB – ASSISTANT SURGEON

In my opinion death was due to neurogenic and hypovolumic shock as a result of 80% superficial burn which was ante mortem in nature.

Ext. 5(1)
Sd/- Illegible
SJ

Sd/- Illegible
(Dr. D.K. Sarma)
Senior Medical & Health Officer
200 Bedded Civil Hospital,
Dist.- Goalpara (Assam)

The 21/ day of 04/ 2011

ASSISTANT SURGEON OF
SUB-ASSISTANT SURGEON

REMARKS BY CIVIL SURGEON

I do agree

Sd/- Illegible
Joint Director of Health Services
Goalpara District, Goalpara (Assam)

The day of 19

Signed _____
Civil Surgeon of _____

53

Sd/- Illegible

2/5/2011

C.T. No.- 197/11 Dt. 21-7-11

Ref: GLP P.S. C/No. 145/11 U/s- 302/304(B) 341 I.P.C.

Deceased:- Niva Kalita Das

No.- 352/11/(A)

To,

The P.S.I. Court GLP

Ext. 6
Sd/- Illegible
Session Judge

54

Seizure List

M.R. No. 15/11

Ref: Goalpara P.S. C/No. 145/11 U/s- 302/304(B)/34 I.P.C.

I S.I. Bidya Sagar Singha of Goalpara T.O.P. do hereby seize the below noted described burnt cloth, asses etc. which are found lying scattered in the front court yard of dwelling house belongs to Sri Manish Das, S/o- Lt. Mahesh Das of Swaraj Road (Near Paku Cinema Hall) P.S.- Goalpara, in conn. with above ref case and in presence of below signed witness, on 21-4-11.

Description of seized articles:

- (1) One piece of burnt cloth measuring about 20 inch in length and about 3 inch breadth suspected to be peticute (inner garments of woman, colour pink).
- (2) One piece of pink with white spot colour burnt cloth.
- (3) Some ashes of cloth.
- (4) One broom made of coconut leaves sticks, few ashes and few long hair stick on the edge of the broom.

Signature of witness:

- 1) Sd/- Arseda Beuwa (52)
W/o- Lt. Yunus Ali
R/o- Swaraj Path
P.S.- Goalpara

Ext. 6(1)
Sd/- Illegible
Session Judge

55

2) Sd/- Babul Mridha (55)
S/o- Lt. Bahar Ali Mridha
R/o- Swaraj Path
P.S.- Goalpara

3) Sd/- Sri Tapas Das (34)
S/o- Sri Nibaran Ch. Das
Of Kachari Road
C/o- Mitali Studio
P.S.- Goalpara

Sd/- Illegible

21/4/11

GLP T.O.P.

C/ Swaraj Path

Ext. 7
Sd/- Illegible
Session Judge

56

Seizure List

M.R. No. 17/11

Ref: Goalpara P.S. C/No. 145/11 U/s- 302/304(B)/34 I.P.C.

I S.I. Bidya Sagar Singha of Goalpara T.O.P. do hereby seize the below noted burnt cloths on being lead and shown by accd. Sri Manish Kr. Das, S/o- Lt. Mahesh Das of Swaraj Road P.S.- Goalpara, which are found lying in a dust bine at Swaraj Road, in front of house of the accd. Manish Kr. Das i.e. the P.O. in conn. with above ref case and in presence of below signed witness on 25-4-11.

Description of seized articles:

- (1) One round piece of burnt cloth measuring about 2 (two) fit in length and about 1 (one) fit in breadth, suspected to be peticote (inner garments of woman, colour pink).
- (2) One piece of pink with white spot colour burnt cloth measuring about 3 (three) fit in length and about 1½ (one & half) fit breadth.

Signature of accd.:

Sd/- Munish Kumar Das

Signature of witness:

- 1) Sd/- Sahazuddin Mirdha (65)
S/o- Late Bahar Ali Mirdha
Swaraj Road (Near Paku Cinema)
P.S.- Goalpara

- 2) Sd/- Morzina Bagum (34 yrs)
W/o- Md. Rasul Sisti
Of Swaraj Road
P.S.- Goalpara
- 3) Sd/- Nur Alimun Nessa (50 yrs)
W/o- Md. Naziruddin Ahmed
R/o- Kachari path
(Paku Cinema Hall)
P.S.- Goalpara

Ext. 7(1)
Sd/- Illegible
Session Judge

Sd/- Illegible
25/4/11
GLP T.O.P.
C/ Swaraj Road

Seizure List

M.R. No. 16/11

Ref: Goalpara P.S. C/No. 145/11 U/s- 302/304(B)/34 I.P.C.

I S.I. Bidya Sagar Singha of Goalpara T.O.P. do hereby below described articles which are found inside the house (P.O.) seized in conn. with above ref case and in presence of below signed witness on 21-4-11 at 2 PM.

Description of seized articles:

- (1) Few ashes of cloths lying on the floor of kitchen.
- (2) A window scrine measuring about 4½ fit by 3½ fit olive green colour with design having a join steach on it and also a burnt mark found in middle portion.
- (3) One small bottle made to use as kerosene open lamp about 3½ inch in length with a burner.
- (4) One match box having few match sticks made by "Billa Match Works" Sivakasi 626123.

Signature of witness:

- 1) Sd/- Arseda Beuwa (52 yrs)
W/o- Lt. Yunus Ali
R/o- Swaraj Path
P.S.- Goalpara

2) Sd/- Babul Mridha (55 yrs)

S/o- Lt. Bahar Ali Mridha

R/o- Swaraj Path

P.S.- Goalpara

3) Sd/- Sri Tapas Das (34)

S/o- Sri Nibaran Ch. Das

Of Kasari Road

C/o- Mitali Studio

P.S.- Goalpara

Ext. 8(1)
Sd/- Illegible
Session Judge

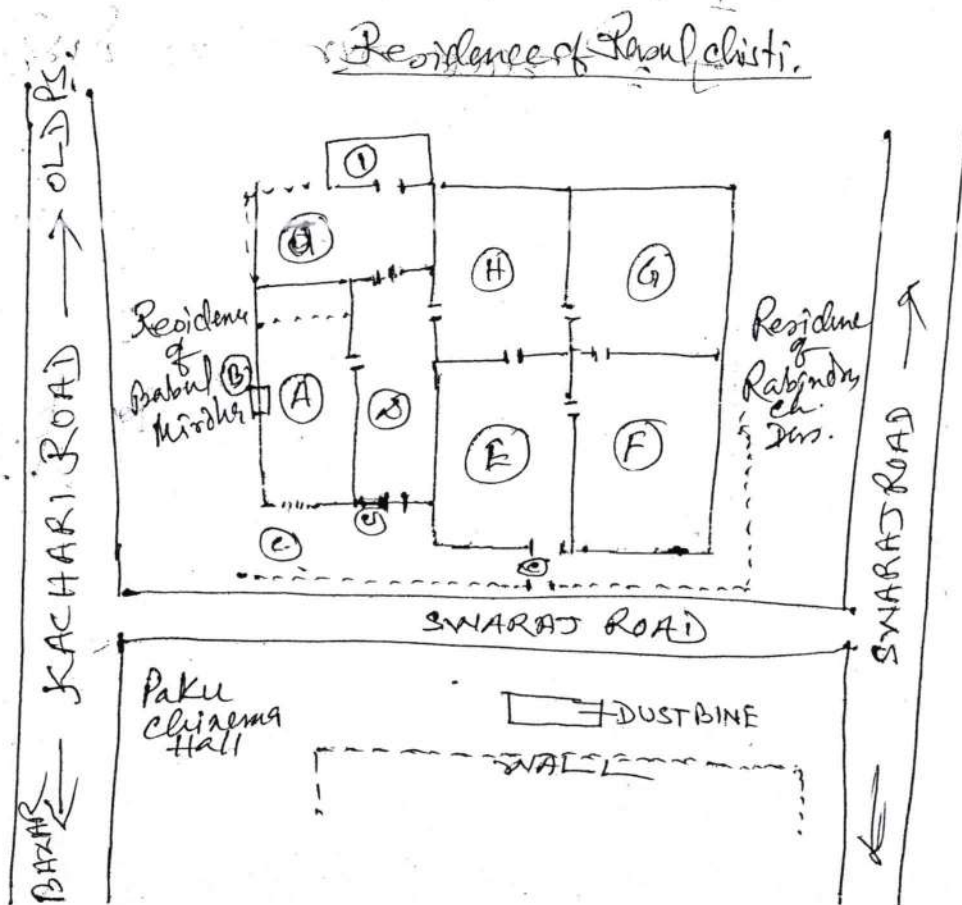
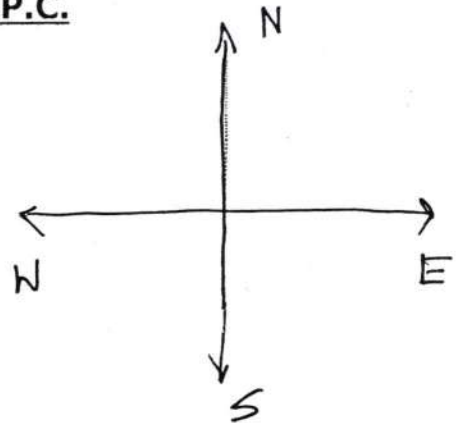
Sd/- Illegible
21/4/11
GLP T.O.P.
C/ Swaraj Path

Ext. 9
Sd/- Illegible
Session Judge

60

Sketch Map of Goalpara P.S. C/No. 145/11

U/s- 302/304(B)/34 I.P.C.



The sketch map drawn above indicates the place of occurrence.

(61)

Index:

- A= Indicates the kitchen of the place of occurrence. Though the house was cleaned by sweeping and mopping, ashes of burning clothes, matchbox, kerosene lamps etc. are found there.
- B= Indicates a window of the kitchen. The middle portion of the curtain of the window is burnt.
- C= Indicates the place in front of the house where burnt clothes, ashes etc. are lying.
- D= Indicates the corridor of the house.
- E= Indicates an empty room of the house.
- F= Indicates the reading room of the house.
- G= Indicates worship room and store room of the house.
- H= Indicates the bed room of the house.
- I= Indicates the latrine of the house.
- J= Indicates the bathroom of the house.

Ext. 9(1)
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Session Judge

Sd/- Illegible
21/4/11

Ext. 10
Sd/- Illegible
SJ

62

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

CHARGE SHEET

District – **Goalpara**

Charge Sheet No. – **128/11**

Date – **31.7.11**

Police Station – **Goalpara**

In First Information No. – **145/11**

Date – **20.4.11**

(1) Name, address & occupation of COMPLAINANT

Sri Dharani Kanta Kalita
S/o- Lt. Khargeswar Kalita
R/o- Fofonga Majorpara
P.S.- Agia
Goalpara

(2) Names & addresses of accused persons not sent up for trial whether arrested or not arrested including absconders.(show absconders in red ink)

- 1/ Smti. Phulkumari
W/O- Lt Mohesh Das
R/O- Kalitapara
P.S. Goalpara
- 2/ Sri Nimai Chandra Das @ Subhash Das
S/O- Lt. Khitish Das
R/O- Kalitapara
P.S. Goalpara
- 3/ Sri Harekrishna Das @ Dablu
S/O- Sri Gobinda Das
R/O- Kalitapara
P.S. Goalpara

Names and addresses of accused persons sent up for trial

(3) In custody

Sri Manish Kumar Das @ Raja
S/O- Lt. Mohesh Das
R/O- Swaraj path
P.S.- Goalpara

(4) On bail or recognizance

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

MR No. 15/11

MR No. 16/11

MR No. 17/11

(6) Name and addresses of witnesses and what point each is called to prove.

1/ Sri Dharani Kanta Kalita (Ex)

S/O- Lt. Khargeswar Kalita

R/O- Fofonga Majorpara

P.S. Agia (Goalpara)

2/ Smti. Sefali Kalita (Ex)

W/O- Sri Dharani Kalita

R/O- -Do-

P.S. -Do-

Goalpara

3/ Sri Basudev Kalita

S/O- Lt. Khargeswar Kalita

R/O- -Do-

P.S. -Do-

Goalpara

4/ Sri Rupam Kalita (Ex)

S/O- Sri Dharani Kanta Kalita

R/O- -Do-

P.S. -Do-

Goalpara

5/ Sri Dipu Das

S/O- Sri Kesha Das

R/O- -Do-

P.S. -Do-

Goalpara

6/ Md. Babul Mirdha

S/O- Lt. Bahar Ali Mirdha

R/O- Swaraj Path, P.S. Goalpara

- 7/ Sri Tapas Das
S/O- Sri Nibaran Chandra Das
R/O- Kachari Path
Mitali Studio
P.S. Goalpara
- 8/ Smti. Arseda Beuwa (Ex)
W/O- Lt. Eunus Ali
R/O- Swaraj Path
P.S. Goalpara
- 9/ Smti. Sefali Das (Ex)
W/O- Lt. Prafulla Kr. Das
R/O- -Do-
P.S. Goalpara
- 10/ Sri Ratan Saha (Ex)
S/O- Lt. Khagendra Mohan Saha
R/O- Kachari Path
P.S. Goalpara
- 11/ Smti. Rumisa Begum (Ex)
W/O- Md. Babul Mirdha
R/O- Swaraj Path
P.S. Goalpara

- 12/ Miss Richa Das
D/O- Sri Manish Das
R/O- Near Paku Cinema Hall
P.S. Goalpara
- 13/ Md. Saijuddin Mirdha
S/O- Lt. Bahar Ali Mirdha
R/O- Swaraj Path
P.S. Goalpara
- 14/ Smti. Nur Alimun Nessa
R/O- Kachari Path
P.S. Goalpara
- 15/ Smti. Marjina Begum
W/O- Md. Rasul Sisti
R/O- Swaraj Path
P.S. Goalpara
- 16/ Sri Ritumoni Bairagi (Ex)
S/O- Sri Fatik Bairagi
R/O- Dakur Vita 1St APTF
P.S. Goalpara
- 17/ Dr. Samser Ali (Ex)

S/O- Lt. Eman Ali
R/O- Goalpara Civil Hospital
P.S. Goalpara

18/ Executive Magistrate
Sri Padum Bahadur Chetri
SDO(S), Goalpara

19/ Edul Islam
S/O- Md. Nur Islam
R/O- Bausiapara
P.S. Goalpara

20/ Dr. D.K. Sarma (Ex)
Goalpara Civil Hospital

21/ Bidya Sagar Singha, SI (Ex)
Goalpara Police Station

(7) Charge or information, Nature of offence and circumstances connected with it in concise detail, and under what section of the penal code charged.

The prosecution story in brief is that on 20/4/11 informant Dharani Kanta Kalita, S/O- Lt. Khargeswar Kalita, R/O- Fofonga Pt.-II, P.S. Agia informed the P.S by lodging a written ejahar with the P.S. that about 5/6

years ago his daughter Nibha Kalita Das got married with Sri Manish Das, R/O- Swaraj Path, Goalpara and they have two children. From the very early stage of married life, accused Manish Das physically and mentally tortured the daughter of the informant as well as assaulted her at the instigation of accused Phulkumari and demanded Rs. 300000/- (Three Lakhs) from her as dowry. While she failed to give the demanded dowry, accused Manish Das, Phulkumari Das, Sri Subhash Das and Dablu in a gang committed torture on her brutally, poured kerosene oil on her person and set fire on her. As a result the girl sustained severe burn injuries and she was admitted at Goalpara Civil Hospital in a critical condition. Later, on the way to Guwahati the girl breathed her last. On basis of that, a case is registered and the matter is investigated.

During investigation, accused Phulkumari Das, W/O- Lt. Mohesh Das and Sri Manish Kumar Das @ Raja, R/O- Swaraj Path, P.S. Goalpara are arrested and produced before the hon'ble court. As accused Subhash Das @ Nimai, S/O- Lt. Khitish Das R/O- Kalitapara, P.S. Goalpara received Anticipatory Bail from the court he is allowed to go on bail. Dablu is not yet arrested in connection with the incident. Upon finding sufficient incriminating materials against the accused Sri Manish Kumar Das, S/O- Lt. Mohesh Das for committing an offence punishable U/S 302/304(B) the charge sheet has been submitted before the hon'ble court under the said sections of law. As no evidence have been found against accused Phulkumari Das, W/O- Lt. Mohesh Das, R/O Kalitapara, P.S. Goalpara, Sri Subhash Das @ Nimai, S/O- Lt. Khitish Das R/O- Kalitapara, P.S. Goalpara and Dablu @ Harekrishna Das, S/O- Sri Gibinda Das, R/O- Kalitapara,

(69)

P.S.- Goalpara, it is prayed before the hon'ble court to discharge them from this case. The witnesses mentioned in column 6 will prove the veracity of the case.

A copy of P.M. Examination Report, 3 (Three) Seizure lists, a copy of the statement of Isha Das given U/S 164 Cr.P.C., Dying declaration of Nibha Das, Bail bond and a sketch map of the place of occurrence are enclosed herewith.

Ext. 10(1)
Sd/- Illegible
SJ

Sd/- Bidya Sagar Singha, SI
Goalpara Police Station
31/7/11

Fdd. to the C.J.M. Goalpara through the PSI GLP Court one copy of P.M. report, three copies of seizure list, one copy dying declaration recorded by the Medical Officer, Goalpara one sketch map & one copy of statement.

Sd/- Illegible
Inspector O/C
Goalpara Police Station
Date- 22/8/11