

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

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

Constitutional Law (40 marks)

(Answer any four)

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

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

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

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

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

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

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

Jurisprudence (20 marks)

(Answer any four)

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

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

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

Judgment writing (40 marks)

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

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PAPER BOOK

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

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

G.R. NO. 57/06

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

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

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

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

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

iv) Other Acts & Sections.....

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

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

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

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

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

G.D. No. _____ at the police station _____

4. Type of InformationWritten.....

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

a) Direction and Distance ^{from} P. S... 5 K.M. North.....

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

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

6. Complainant/Informant :

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

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

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

d). Nationality Indian.....

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

f) Occupation Cultivator.....

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

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

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

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

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

10. * Total value of properties stolen/involved:.....

11. * Inquest Report/ U.D. Case No., if any.....

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

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

13. Action taken: Since the above report reveals commission of
offence (s) u/s as mentioned at item No.2, registered the case and

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

Signature of Officer-In-Charge
Police Station with

RTI of Sri Dharmeswar Gogoi

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

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

Ext.1
Sd/ illegible
26.9.06

Seen
Sd/illegible
12.1.06
Seal
Dibrugarh

EJAHAR

To,

The Officer – in – charge,

Tingkhong Police station, Tingkhong

Dated. 10.01.06

Subject: Ejahar

Sir,

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

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

Ext.1(1)
Sd/ illegible
26.9.06

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

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

Scribe: Krishna Deka
10.01.06

Assam Schedule VIII Form No. 247

High Court Criminal Process No. 32

S.C. 180/06

CHARGE WITH ONE HEAD

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

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

Sri A. Alam,

Addl. Sessions Judge (FTC) Dibrugarh

Hereby charge you Sri Sunil Gogoi

As follows:

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

And thereby committed an offence punishable under section 302 of the Indian Penal Code and ^{within} with the cognizance of the Court of Sessions.

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

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

Dated this 5th day of Sept 06

Sd/-Illegible

Addl. Sessions Judge(FTC)

Dibrugarh

5.9.06

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE ,

DIBRUGARH

G.R. CASE NO. 57/06

STATE

-VS.-

Sri Sunil Gogoi

COMMITMENT ORDER

Dated : 8.8.06

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

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

Sd/-Illegible

CJM,DBR

FORM FOR RECORDING DEPOSITION

Deposition of P W 1

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Dharmeswar Gogoi

Son of Lt. Bhakatram Gogoi

My age is 45 years I reside at Tingkhong

District DibrugarhPolice Station Tingkhong

OccupationCultivator.

On S/A,

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

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

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

XXXXXXXXXXXX Cross XXXXXXXXXXXXXXX

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

Sd/- Illegible

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

FORM FOR RECORDING DEPOSITION

Deposition of P W 2

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Smti Deepali Gogoi

Wife of Sri Pranab Gogoi

My age is 27 years I reside at Dadumoni Kuwanigaon

District DibrugarhPolice Station Tingkhong

OccupationHouse wife.

On S/A,

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

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

XXXXXXXXXX Cross XXXXXXXXXXXX

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

Sd/- *Illegible*.

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

FORM FOR RECORDING DEPOSITION

Deposition of P W 3

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Pranab Gogoi

Son of L. Lilibor Gogoi

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

DistrictPolice Station Tingkhong

OccupationCultivator.

On S/A,

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

XXXXXXXXXXXX Cross XXXXXXXXXXXX

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

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

Sd/- Illegible

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

FORM FOR RECORDING DEPOSITION

Deposition of P W 4

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Bipul Gogoi

Son of L. Kuladhar Gogoi

My age is 27 years I reside at Dadumoni

DistrictPolice Station Tingkhong

OccupationCultivator.

On S/A,

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

XXXXXXXXXX Cross XXXXXXXXXXXX

NIL

Sd/- Illegible.

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

10

FORM FOR RECORDING DEPOSITION

Deposition of P.W.5

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

My name is Smti. Priyanka Gogoi.

Son/Wife/Daughter of Sri Pranab Gogoi.

My age is 11 years

I reside at Padumanl Konwar Gaon District :- Dibrugarh.

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

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

Handwritten notes in the left margin: 19/2/06, 180/06, P.W.5

1.Q. Do you go to school ?

Ans.- Yes, I go to school.

2.Q. What Class do you read in?

Ans.- I read in Class VI.

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

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

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

Ans.- There are 49 students in our Class.

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

Ans.- Sri Kamala Gogoi.

6.Q. With whom do you have ^{you} come to the court ?

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

OBSERVATION

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

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

EVIDENCE

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

XXXXXXXXXXXXX Cross —

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

R.O. & A.C.

[Handwritten signature]
26/9/84

Addl. Sessions Judge (FTC),
Dibrugarh.

*dictated and
corrected*

[Handwritten signature]
26/9

*NS 2/10/84
10/10/84
10/10/84
10/10/84
10/10/84*

FORM FOR RECORDING DEPOSITION

Deposition of P W 6

Present: Shri A. Alam

Addl. Sessions Judge, (FTC)

Dibrugarh

My name is Sri Bhadreswar Gogoi

Son of Bapiram Gogoi

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

District DibrugarhPolice Station Tingkhong

OccupationBusiness

On S/A,

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

XXXXXXXXXXXXXXXXCROSS XXXXXXXXXXXX

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

Sd/- Illegible.

R.O. & A.C

Sd/-Illegible

26.9.

FORM FOR RECORDING DEPOSITION

Deposition of P W 7

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

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

My name is Sri Dr. Rupak Kumar Gogoi

Son of Sri Hanighadhar Gogoi

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

District DibrugarhPolice Station Dibrugarh

OccupationAsstt. Professor A.M.C. Dibrugarh

On S/A,

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

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

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

All were found healthy.

Examination of abdomen:

All were found healthy.

Opinion:

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

XXXXXXXXXXXXXXXXXX

Declined.

Sd/- Dr. R.K. Gogoi

R.O. & A.C

Sd/-Illegible

Addl. Dist. & Sessions Judge (FTC)

Dibrugarh

1.12.06

FORM FOR RECORDING DEPOSITION

The Deposition of P W 8

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

My name is Rajen Gogoi

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

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

Police Station Tingkhong District..... Dibrugarh

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

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

where I am.....

On S/A,

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

XXXXXXXXXXXXX

Sunil Gogoi has ~~been~~ defect.

brain

A

Sd/- Illegible

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

FORM FOR RECORDING DEPOSITION

The Deposition of P W 9

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

My name is Sri Suraj Gogoi

My Father's name is Lt. Baputi Gogoi

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

Police Station Tingkhong District..... Dibrugarh

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

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

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

On S/A,

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

XXXXXXXXXX

DECLIEND.

R.O. & A.C

Sd/-illegible

28.2.07

FORM FOR RECORDING DEPOSITION

The Deposition of P.W 10

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

My name is Sri Bhaba ch. Bhuyan

My Father's name is Lt. Ratneswar Bhuyan

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

Police Station Tingkhong District.....

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

On S/A,

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

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

XXXXXXXXXXXX

Declined.

Sd/- ASI, Bhaba ch. Bhuyan

R.O. & A.C

Sd/-Illegible

28.3.07

FORM OF RECORDING EXAMINATION OF ACCUSED

EXAMINATION OF ACCUSED PERSON

(Section 364 of the Criminal Procedure Code)

The examination of accused Sunil Gogoi

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

My name is Sri Sunil Gogoi

My father's name is Sri Lilabor Gogoi

I am by caste and by occupation

My home is at Mouza, Police Station. Trighong

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

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

What is your answer?

Ans: False.

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

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

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

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

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

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

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

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

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

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

Q. Do you have anything to say?

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

Q. Will you adduce evidence?

Ans: No.

Sd/ Sunil Gogoi
Signature of mark of the accused

Sd/-Illegible
29.11.07
Signature of Magistrate

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

Sd/-Illegible
29.11.07
Signature of Magistrate

