

**THE GUAHATI HIGH COURT AT GUWAHATI**

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Main written examination for direct recruitment to Grade-I of Nagaland Judicial Service, 2018

Date: 21-01-2019 (Monday)

Time: 9.00 am to 12:00 Noon

Total marks: 100

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Duration: 3 (Three) hours

PAPER- III

**CONSTITUTIONAL LAW**

Answer any three of the following-

(10x3=30)

1. Explain the significance of the Preamble of the Indian Constitution.  
Why it is called 'the key' to the open constitution?
2. Describe in brief the right to freedom of religion as provided under the Articles 25 to 28 enshrined in the constitution as fundamental rights.
3. What are the different kinds of writs? Compare and contrast the writ jurisdiction of the Supreme Court with that of the High Court.
4. "No person shall be deprived of his life or personal liberty except according to procedure established by law" Elucidate the statement with special reference to the concept of life.
5. Write an exhaustive note justifiability of Directive Principle of state policy. Discuss the provision of uniform civil code as provided under Directive principle of state policy. Cite Supreme Court cases.
6. Write a note on safeguards against arbitrary arrest and detention.
7. Answer any two questions (2x5=10 )
  - (i) Judicial Activism
  - (ii) Double Jeopardy
  - (iii) State Emergency
  - (iv) PIL.
  - (v) Repugnancy between a central law and a state law.

**JURISPRUDENCE**

8. Answer any 2 of the following questions- (10X2=20 )

- (i) Explain the essential characteristics of legal rights. Are rights and duties always correlated? Justify your answer.
- (ii) Define the ownership. What are the different kinds of ownership?
- (iii) State what you mean by administration of justice .Bring out the distinction between civil and criminal administration of justice.
- (iv) Write briefly the theories of punishment.
- (v) State the importance of (i) Custom (ii) Legislation and (iii) Judicial precedent as a source of law.

**JUDGMENT WRITING**

9. Write a judgment on the basis of the Paper-Book Which is enclosed.

# PAPER BOOK

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*Prepared by : Mintu Kumari Das*

*Translated by : Ditimoni Gogoi*

*Examined by : Mobarak Hussain*

*Type by : Anshuman Saikia*

*Compared by : Meenakshi Devi, Chandana Sarmah*

(1)

GR No. 285/11

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C)

Seen. A 2p.m.  
Sd/- Illegible  
Chief Judicial Magistrate  
Golaghat  
10-3-11

1. District : Golaghat P.S. : Komargaon Year: 2011  
FIR No. 16/11 Date : 9/3/2011
2. (i) Act : I.P.C. Sections : u/s 342/325/307 IPC  
(ii) Act : \_\_\_\_\_ Sections : \_\_\_\_\_  
(iii) Act : \_\_\_\_\_ Sections : \_\_\_\_\_  
(iv) Other Acts & Sections : \_\_\_\_\_
3. (a) Occurrence of offence : Day- Not noted Date from - 9-3-2011 Date to : 8 AM  
Time period \_\_\_\_\_ Time from \_\_\_\_\_ Time to \_\_\_\_\_  
(b) Information received at P.S. Date- 9-3-2011 Time: at 5-30 PM  
(c) General Diary Reference : Entry No.163 Time: 5-30 PM
4. Type of Information : Written/Oral : Written
5. Place of Occurrence :  
(a) Direction and distance from P.S. : 6km East  
(b) Address : Bongaon Mouza Khumtai,  
PS. Komargaon Dist. Golaghat  
(c) In case, outside the limit of this Police Station, then  
Name of P.S. \_\_\_\_\_ District \_\_\_\_\_
6. Complainant Information :  
(a) Name : Sri Deva Nayak  
(b) Father's Name : S/O Late Samaru Nayak  
(c) Date/Year of Birth : 1966  
(d) Nationality : Indian  
(e) Passport No. \_\_\_\_\_ Date of Issue \_\_\_\_\_ Place of Issue \_\_\_\_\_  
(f) Occupation : Cultivator  
(g) Address : Bongaon PS. Komargaon Dist. Golaghat

(2)

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

(1) Sri Bijoy Nayak @ Sahani, Bongaon, P.S. Komargaon

8. Reasons for delay in reporting by the complainant/informant

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

10. \*Total Value of Property Stolen \_\_\_\_\_

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

12. First Information Contents: (Attach separate sheet, if required):

The written report of the complaint received at the PS and treated as F.I.R. which is enclosed here with.

13. Action taken : Since the above information reveals commission of offence (s) u/s as mentioned at item No. 2 registered the case and took up the investigation/ directed\* SI Abdush Salam will investigate the case to take up the investigation/transferred to P.S. \_\_\_\_\_ on point jurisdiction.

F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Information free of cost.

*L.T.I. Sri Deb Nayak*

Signature / Thumb impression of  
The Complainant / Informant

*Exhibit No. 4(2)  
Sd/- Illegible  
Session Judge  
Golaghat  
16/2/16*

*Sd/- Dipak Sarmah S.I.  
Officer In-charge of Police  
Komargaon Police Station  
Dist. Golaghat, Assam  
9/2/16*

Signature of the Officer in-Charge  
Police station with

Name: Sanjib Kr. Borah  
Rank: Inspector  
Number if any:

3

GR No. 285/11

Ext.4  
Sd/- Illegible  
Session Judge  
Golaghat  
16/2/16

EJAHAR

Seen  
Sd/- Illegible  
Chief Judicial Magistrate  
Golaghat  
10/3/11

To

The Officer-in-Charge,  
Kamargaon Police Station, Kamargaon

Subject: Ejahar in connection with Bijoy Nayak's assaulting and setting fire to his wife Smt. Jayanti Nayak by pouring Kerosene on her person

Date: 09.03.2011

Sir,

Humble Submission is that around 8a.m. today Shri Bijoy Nayak, a resident of Bongaon under Kamargaon Police Station brutally assaulted his wife Smt. Jayanti Nayak, who is my daughter by closing the door from inside and then set fire to her by pouring kerosene on her person. Now she is undergoing treatment but she is in critical state. Although the intimation was given to you, no written information was lodged in this regard.

I, have, therefore, submitted hereby this <sup>written</sup> intimation with a prayer for taking necessary action.

This is my humble prayer before you.

Yours faithfully

LTI of Shri Dev Nayak  
S/O Lt. Samaru Nayak  
Bongaon



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Received and registered Komargaon P.S. C/No. 16/11 u/s 342/325/307 IPC dt. 9/3/11

*Ext. 4(1)*  
*Sd/- Illegible*  
*Session Judge*  
*Golaghat*  
*16/2/16*

*Sd/- Illegible*  
*Officer-in-charge*  
*Kamargaon Police Station*  
*Dist. Golaghat, Assam*  
*Date 09/3/11*

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High Court Criminal process No. 32

CHARGE WITH ONE HEAD

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

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

(1) Name and office of (1) I, SHRI P.K. ROY, Magistrate etc. SESSIONS JUDGE, GOLAGHAT,

(2) Name of accused hereby charge you (2) Shri Bijay Nayak @ Bijay Sahani, person.

as follows:-

(3) State the offence

That you on the 9th day of March, 2011 at about 8 am at Bongaon under Komargaon Police Station of Golaghat district, caused injuries on the person of your wife Smti. Jayanti Nayak with the intention of causing her death and due to sustaining such bodily injury said Jayanti Nayak succumbed to her injuries on 21.03.2011 ;

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

and thereby committed an offence punishable under Section of 302 of

The Indian Penal Code and within (4) my cognizance.

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

And I hereby direct that you be tried (5) by the said court on charges

Dated this 27th day of June, 2011

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

SESSIONS JUDGE, GOLAGHAT

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Assam schedule VIII, Form No.127  
High Court Criminal Form No. (M) 106

ORDER SHEET FOR MAGISTRATE RECORDS

DISTRICT  
IN THE COURT OF  
NO.

of 200  
versus

of

Serial No. of Orders	Date	Order	Signature
	19.5.11  Sd/- Shri Bijoy Nayak Sahani	<p>Accused is present. Copy is ready and same is furnished to accused.</p> <p>Perused C.R. It appears that the alleged offence u/s 302 IPC is exclusively triable by the court of Session. As such, lets commit this case to the court of Session u/s 209 Cr. P.C.</p> <p>Notify the P.P. of the commitment of the case to the court of Session.</p> <p>Send the C. R. to the session court along with articles, if any.</p> <p>Seen Pet. No. 1152/11 with a prayer to allow the accused to remain on previous bail. Perused Cr. satisfied and prayer allowed.</p> <p>Fix on 30.5.11 for app.</p>	Sd/- Illegible Judicial Magistrate 1 <sup>st</sup> Class Golaghat (Assam)

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

FORM FOR RECODING DEPOSITION

THE DEPOSITION of P. W. 1  
aged about 33 years taken in oath or solemn affirmation under provisions of the Indian  
Oaths Act. X of 1878 before me Sri P.K. Roy, Sessions Judge, Golaghat.  
this 9.1.2012. day of of

My name is Dr. Partha Gohain.

My father's name is Sri P.C. Gohain.

by caste

Police Station

I reside at present in Mauza Golaghat.

District Golaghat.

My house is at Mauza

District

Police Station Golaghat.

where I am Medical & Health Officer 1,

Kushal Konwar Civil hospital,

Golaghat.

I am

ON OATH :

That on 10.3.2011, I was serving as Medical & Health Officer-1 at Kushal Konwar Civil hospital, Golaghat. On that day, as per prayer of police, I examined Smti. Jayanti Nayak in order to record her dying declaration, who was then lying in a dead bed & after sustaining severe burn injuries. The patient was identified by GNM Smti. Archana Baruah and relative of the victim Smti. Bobita Nayak. I have recorded the statement of the aforesaid victim woman. Ext-1 is the statement of the aforesaid victim woman, wherein, Ext-1(1) is my signature. The victim Jayanti Nayak put her thumb impression in Ext-1 in my presence and same was endorsed by a police officer.

X X X X X X X X X X X

In Ext-1, I have not mentioned the physical and mental conditions of the victim Jayanti Nayak. I have stated nothing in Ext-1, as to who identified the victim woman at the time of her examination. At the time of giving dying declaration by the victim woman, she could not speak fluently and in understandable manner, for

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which another woman was engaged to interpret her language. In the thumb impression of the victim woman, there is no endorsement of anybody. It is not a fact that the dying declaration recorded by me is not connected with this case.

R.O. & AC.

July 9.1.2012

Sessions Judge,  
Colaghat.

Jan 11. 2012

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

**FORM FOR RECORDING DEPOSITION**

THE DEPOSITION OF P.W.2 in Sessions case no. 81/2011

Aged about 40 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T. Lohar, Sessions Judge, Golaghat

This 01/10/2012 day of

My name is : Sri Deba Nayak

I am

My father's name is : Late Samaru Nayak

by caste :

My house is at Mauza: Bongaon

Police Station : *Komargaon*

District : Golaghat

I reside at present in Mouza :

Police Station :

District : Golaghat

Where I am : Daily Labour

On S/A,

Accused Bijoy Nayak is my son-in-law i.e. my daughter's husband. Deceased Jayanti Nayak was my daughter. About 1 ½ years ago, one day around 8 a.m. Jayanti Nayak died. At that time, I was having tea at my home. Accused son-in-law's house is close to that of mine.

My daughter Jayanti Nayak caught fire and came out of Bijoy Nayak's house screaming. Coming out of my house I saw fire on her person. She told me that accused Bijoy poured Kerosene on her person and then set fire to her. Jayanti Nayak put out the fire by jumping into a pond that is nearby our house. My wife took Jayanti Nayak out from the pond. When her mother asked, Jayanti Nayak told her that the accused had poured Kerosene on her in the rear end inside the house and then set fire to her. I got Jayanti Nayak admitted into the Golaghat K.K. Civil Hospital on that day itself. When asked, she told the same to the doctor also. Some ten days after the incident, Jayanti

Nayak expired in K.K. Civil Hospital, Golaghat, I lodged an ejahar with Kamargaon Police Station before Jayanti Nayak's death. I am illiterate. When police prepared the papers at the hospital I was present there. And, I put my thumb impression therein.

A long gateway bifurcated to the right from the NH-37 (Golaghat to Bokakhat road) leads to Bijoy Nayak's house. Bijoy Nayak's courtyard is in front of his house and there is Bikram Sahni's house in front of that courtyard. In front of Bijoy Nayak's house, there is Sitaram Sahni's house facing the NH.

My house is beside the Highway and it is facing the highway. Our pond is in front of our house and adjacent to the highway.

I used to meet my daughter every day. On the day of occurrence also I met her. At that time she was hale and hearty. She had even talked to me.

Accused Bijoy's mother and sister also live at accused person's house. There are two rooms in their house. At Golaghat Hospital, the injured person put her thumb impression on the Ext.1.

The police recorded my statement immediately after that. I did not tell police about my daughter telling me that accused Bijoy had set fire to her by pouring kerosene on her.

I did not tell police that the injured had told her mother that accused Bijoy had set fire to her by pouring Kerosene on her person in the rear end inside the house.

It is not a fact that I have stated all these falsely before the court.

*LTI of Deba Nayak*

*R.O. & A.C.  
Sd/- Illegible  
01/10/2012  
Sessions Judge  
GOLAGHAT*

(11)

(20)

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

FORM OF RECORDING DEPOSITION

THE DEPOSITION of PW 3

aged about 36 years taken in oath or solemn affirmation under provisions of the Indian Oaths, Act.X of 1878 before me Sri T.Lohar, Sessions Judge, Golaghat.

this 1<sup>st</sup> day of October, 2012

My name is Dr.Pallabi Gogoi  
My father's name is W/O Dr.Surajit Phukan  
by caste I am

Police Station My house is at Mauza  
I reside at present in Mauza Golaghat town District  
District Golaghat where I am Medical & Health Officer  
at KK Civil Hospital, Golaghat.

On oath,

On 21.03.11 I was working at KK Civil Hospital, Golaghat as M&HO(I) and on that day I have done autopsy on the dead body of late Jayanti Nayak, 15 years, female, Hindu, of village- Bangaon, PS Kamargaon, Dist. Golaghat being escorted and identified by UBC/152 Deba Bora, and relatives -Anand Kumar and Baba Nayak in reference to Kamargaon PS Case No.16/11 dtd.9.3.11 and found the followings.

EXTERNAL APPEARANCE:

A dead body of an adult female, medium height, swarthy with swarthy complexion with long black hair. Eyes closed and Rigor mortis present.

The skin of the whole body from below the neck is burnt with multiple black blister. There is deep burn in some parts of the body. Percentage of burn is about 80%.

Cranium and spinal canal= all congested.

Thorax =Wall= superficial burn with areas of deep burn. Ribs and cartilage are normal. Heart= Right chamber contains blood and left chamber empty. Others= congested.

Abdomen =Walls- Multiple blister due to burn. Stomach- congested and contains undigested food material. Small Intestine- congested and contains semi-digested found. Large intestine- congested and contains faecal matter. Others- congested.

Liver-congested, spleen- congested, kidneys- congested. Bladder- congested and contains small amount of wine. Organs of generation - healthy and uterus is normal in size.

The dead body has got black skin blister and more than 80% burn all over the body except the head, neck and sole.

The burn is antemortem in nature. Rigor mortis present, so time since death is within 36 hours.

OPINION : In my opinion, the cause of death of the deceased is due to shock as a result of the burn injuries sustained by the deceased.

Ext.2 is my post- mortem report and Ext.2(1) is my signature. Ext.2(2) is the signature of Dr.Apura Hazarika, Supdt. of KK Civil Hospital, Golaghat and Ext.2(3) is the signature of Dr. Prafulla Bhuyab, the then Jt. Director of Health Services, Golaghat. I know their signatures.


XXXXXXXXXXXXXX

Duration of death and examination of time may be extend to above 36 hours.

Dictated & corrected  
by me

RO & AC

  
Sessions Judge, Golaghat

  
Sessions Judge, Golaghat.

Dr. Pallabi Gogoi



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

**FORM FOR RECORDING DEPOSITION**

THE DEPOSITION OF P.W.4 in Sessions case no. 81/2011

Aged about 46 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T. Lohar, Sessions Judge, Golaghat

this 01/10/2012 day of

My name is : Sri Thuluk Nayak I am

My father's name is : Late Joidhan Nayok

by caste : My house is at Mauza:

Police Station : Kamargaon District :

I reside at present in Mouza : Bongaon P.S. :

District : Golaghat Where I am : Business

On S/A,

Accused Bijoy Nayak is the son of my maternal uncle. Deceased Jayanti Nayak was the wife of accused Bijoy.

I was not at home at the time of the occurrence. When I reached home around 10/11 a.m. Jayanti had been taken to the hospital by an 108 ambulance. When Jayanti was brought to Golaghat Hospital from Bokakhat Hospital by my vehicle, I saw her in an injured state. I do not know how she caught fire. After the occurrence when the O/C of the P.S. came to the house of the accused, I went there to see the matter. Then police asked me to put my signature and I did accordingly. I do not know what article the police had seized. Ext. 3 (1) is my signature on Ext. 3 , the paper and I put that on being asked by the police.

Arresting Bijoy Nayak when police brought him to his home, I put my signature vide Ext. 3(1). Police did not seize any article.

XXXXXXXXX declined

Nil

*Sd/- Shri Thuluk Nayak*

*R.O & A.C*

*Sd/- Illegible*

*01/10/2012*

*Sessions Judge*

*GOLAGHAT*

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

**FORM FOR RECORDING DEPOSITION**

**THE DEPOSITION OF P.W.5** in Sessions case no. 81/2011

Aged about 40 years taken in oath or solemn affirmaion under provisions of the Indian Oaths Act. X of 1978 before me *T. Lohar, Session Judge, Golaghat*

This 27/11/2012 day of

My name is : Smti Archana Baruah I am

My father's name is : W/O Sri Sibankar Sankar Saikia

by caste : My house is at Mauza:

Police Station : Komargaon District :

I reside at present in Mouza : Dhekial Kolia Gaon Police Station :

District : Golaghat Where I am Staff nurse of  
Golaghat Civil Hospital

On S/A,

Doctor Partha Gohain works as a doctor at K.K. Civil Hospital. On 10-03-2011 I was on duty at K.K. Civil Hospital.

Doctor Partha Gohain himself recorded the dying declaration of the burn case. I do not remember whose dying declaration was recorded but I was present there when the dying declaration was recorded and put my signature therein.

Ext. 1 is the dying declaration and Ext. 1 (2) is my signature. I have forgotten who had asked to record the dying declaration.

XXXXXXXXXX

I do not remember whether I was present there or not when the doctor recorded the dying declaration vide Ext. 1.

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I do not know the person whose dying declaration was recorded nor did I identify the person before the doctor.

Mhb  
Sd/- Archana Baruah

R.O. & A.C.  
Sd/-Illegible  
27/11/2012  
Sessions Judge  
GOLAGHAT

Assam Schedule VIII, Form No. 93

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High Court Criminal Form No. (M) 83

**FORM FOR RECORDING DEPOSITION**

**THE DEPOSITION OF P.W.6** in Sessions case no. 81/2011

Aged about 30 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T. Lohar, Session Judge, Golaghat

This 27/11/2012 day of

My name is : Smti Bobita Nayok I am

My father's name is : W/O Sri Debo Nayok

by caste : My house is at Mauza:

Police Station : Kamargaon District :

I reside at present in Mouza : Bongaon Police Station :

District : Golaghat Where I am : Daily labour

On S/A,

Accused Bijoy Nayak was my son-in-law. Smt. Jayanti Nayak was my daughter. She is no more.

Accused person's house is situated nearby that of mine. My daughter died before she had completed one year of her marriage.

About 1 ½ years ago, it was around 8 a.m. I was having my tea before going out for my work. At that very moment, having caught fire, my daughter came out of her house with the fire still blazing. She shouted, "mother, father, please save me." With the fire still blazing, daughter fell down into the pond. I took her out of the water. Her whole body was burnt. Only the face and neck remained safe. I took her out. When asked, daughter said that my son-in-law i.e., the accused had set fire to her. Thereafter, I took daughter to Bokakhat Hospital. There from she was sent to Golaghat Hospital. The incident took place on Wednesday. Jayanti Nayak died on Sunday.

At the hospital, I put my thumb impression on a paper.

(16)

XXXXXX

Son-in-law's (accused) father, mother and two sisters live in the same house.

Police did not interrogate me.

I did not state before police in the manner I have stated today.

It is not a fact that I have stated it falsely that daughter had cried for help.

It is not a fact that...(unintelligible sentence)

When I met her all her body, except for face and neck, were burnt and she was able to speak a little. She was unable to speak properly.

Sd/- RTI of Smt. Bobita Nayak

R.O. & A.C.  
Sd/-Illegible  
27-11-2012

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

**FORM FOR RECORDING DEPOSITION**

**THE DEPOSITION OF P.W.7 in Sessions case no. 81/2011**

Aged about 65 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T Lohar, Session Judge, Golaghat

this 16/7/2013 day of

My name is : Sri Sitaram Sahani I am

My father's name is : Lt. Jogu Sahani

by caste : My house is at Mauza:

Police Station : Komargaon District :

I reside at present in Mouza : Bongaon Police Station :

District : Golaghat Where I am : Business

On S/A,

Accused Bijoy Nayak is my eldest son. The accused lives separately. I have no talking terms with Bijoy Nayak's wife. I had no dispute with her. I cannot say her name. I used to call her as 'Mainu'.

I cannot say when accused Bijoy Nayak got married. Bijoy Nayak had lived with my daughter-in-law (i.e. his wife) for a few years. Around 8.30 a.m., I was at home. Then, I heard a hue and cry towards the pond. The pond is nearby the road. It is a little away from Bijoy Nayak's house. Daughter-in-law was lying in the water. I did not go there. I cannot say how she caught fire. Daughter-in-law died in the hospital.

I did not see how she caught fire. Daughter-in-law's parental house is situated nearby the pond.

Her whole body was burnt except for the face. On being asked by police, I put my signature. Ext 3(2) is my signature.

I do not know what police had seized.

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I did not witness who had set fire to her.

XXXXXXXX

I know nothing about the occurrence.

Sd/-Sri Sitaram Sahani

*R.O. & A.C.  
Sd/- Illegible  
16/7/2013  
Session Judge  
Golaghat*

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

**FORM FOR RECORDING DEPOSITION**

THE DEPOSITION OF P.W.8 in Sessions case no. 81/2011

Aged about 60 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1978 before me T. Lohar, Session Judge, Golaghat

this 16/7/2013 day of

My name is : Smti Bhani Sahani I am

My father's name is : W/O Sri Sita Ram Sahani

by caste : My house is at Mauza:

Police Station : Komargaon District :

I reside at present in Mouza : Bongaon Police Station :

District : Golaghat Where I am : House wife

On S/A,

Accused Bijoy Nayak alias Sahni is my son. Deceased Jayanti Sahni was Bijoy's wife. She died about Three years ago. One day the incident took place in the morning hours. Accused Bijoy and his wife lived together. It had been about six months since their marriage. Although we had separate living arrangements we used to have our meal together. My husband lives separately.

At the time of the incident, I was cooking in the kitchen. Daughter-in-law went out of the house in order to take a bath. Hearing a hue and cry raised by my daughter-in-law I came outside. Shouting as 'mother, mother,' she went out of her dwelling house and went towards her maternal home. Her maternal home is in rear of our house. Having caught fire, daughter-in-law jumped towards the pond. We called 108 - vehicle. Daughter-in-law's mother, my younger daughter and I took daughter-in-law out of the water of the pond. Her wearings got burnt. Hair and face were safe. After about 13 days, daughter-in-law died in Golaghat Hospital.

Police took away a jerry cane of Kerosene and some burnt clothes from daughter-in-law's house.



20

I could not know how daughter-in-law got burnt.

XXXXXXXX

I cannot say how the incident had taken place.

RTI of Smt. Bhoni Sahani

*RO & AC  
Sd/ Illegible  
16-07-2013  
Sessions Judge  
Golaghat*

(21)

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

**FORM FOR RECORDING DEPOSITION**

THE DEPOSITION OF P.W.9 in Sessions case no. 81/2011

Aged about 18 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878 before me T. Lohar, Session Judge, Golaghat  
this 16/7/2013 day of

My name is : Miss Tulsi Sahani I am

My father's name is : Sri Sitaram Sahani

by caste : My house is at Mauza:

Police Station : District :

I reside at present in Mouza : *Bonggaon* Police Station : *Komargaon*

District : Golaghat Where I am : Dependent

On S/A,

Accused Bijoy Sahani alias Nayak is my elder brother. Deceased Jayanti Nayak was my sister-in-law. The incident took place around 8/8-30 a.m. about two years back. I was cooking rice in the kitchen. At that time, I heard sister-in-law raising a hue and cry in the rear of the house. She shouted as 'ma' (mother). Going to the outside, I saw sister-in-law lying in the pond. As her mother was trying to take her out of the pond, I helped her. The wearings of sister-in-law got burnt. Her hair and face were safe. I could not know how she caught fire.

Except for this, I know nothing more about the incident.

XXXXXXX

Declined

Sd/- Miss Tulsi Sahani

R.O. & A.C.  
Sd/- Illegible  
16-07-2016

(22)

(22)

Sessions Case No. 81/2011.

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 62 years taken in oath on solemn affirmation under provision of the Indian Oaths Act X of 1978, before Shri R. Phukan, Sessions Judge, Golaghat.

This the 17<sup>th</sup> day of February, 2016.

My name is Md. Abdus Salam.

Son of Late Amud Khan.

I am a resident of Nagaon Chakitoop. P. S. : Nagaon (Sadar).

District : Nagaon.

Where I am retired S.I. Of police.

ON OATH :

On 09.03.2011, I was working at Khumtai Out Post as I/C. On that day, the O/C of Kamargaon Police Station received one FIR from Sri Deba Nayak, after registering Kamargan P.S. Case No. 16/2011, u/s 342/325/307 IPC and endorsed me to investigate the same. Ext-4 is the ejahar and Ext-4(1) and Ext-4(2) are the signatures of the then O/C Sri Dipak Sarmah of Kamargaon Police Station.

During investigation, I came to know that the victim of this case Smti. Jayanti Nayak has already been sent to Bokakhat Hospital for treatment. Also I came to know that the O/C, Kamargaon Police Station has already arrested accused Bijay Nayak and kept him in the Kamargaon Police Station. Then I went to Kamargaon Police Station and found the accused there and then I recorded his statement. Then I got him examined by Doctor and kept him confined in the Police Station. Due to want of time, I could not visit the place of occurrence on that day.

*Md. Abdus Salam*

*(Signature)*

On 10.03.2011, I have visited the place of occurrence taking the accused with me. There I prepared one sketch map of the place of occurrence. Ext-5 is the sketch map of the place of occurrence and Ext-5(1) is my signature. In the place of occurrence, I have found one 5 liters plastic gallon of parrot coloured, one piece of burnt sari, one match with one burnt match stick and 13 Nos. of live match sticks and seized the same preparing seizure list in presence of witnesses. Ext-3 is the seizure list and Ext-3(1) is my signature. M. Ext-1 is the plastic gallon of 5 liters capacity, coloured parrot and M. Ext-2 is the burnt piece of sari and M. Ext-3 is the burnt and live match sticks with the match. The place of occurrence is the bed room of the accused Bijoy Nayak situated at Bongaon. Thereafter, I have examined the witnesses whom I have found at the place of occurrence.

Thereafter, I have forwarded the accused to the Court. Thereafter, I came to know that the victim has referred to K.K. Civil Hospital, Golaghat. Then I have visited K.K. Civil Hospital, Golaghat and found the victim there and recorded her statement. Having her seen deterioration of her condition, I have requested the Superintendent of K.K. Civil Hospital, Golaghat for recording dying declaration of the victim. The Superintendent of K.K. Civil Hospital, Golaghat then endorsed Dr. Partha Gohain to record dying declaration of the victim. Thereafter, Dr. Partha Gohain recorded dying declaration of the victim in presence of relating Smti. Bobita Nayak and GNM Mrs. Archana Baruah. Myself and Smti. Bobita Nayak identified the victim before Dr. Partha Gohain.

Thereafter, on 21.03.2011, the O/C, Kamargaon Police Station informed me that the victim Jayanti Nayak died at Civil Hospital, Golaghat. Then I have sent one requisition to the Executive Magistrate, Khumtai for holding inquest on the dead body of Jayanti Nayak. Thereafter, along with Executive Magistrate, Khumtai Sri P.K. Deori, I proceeded to Civil Hospital, Golaghat and there, the Executive Magistrate hold inquest on the dead body of Jayanti Nayak in presence of witnesses. Ext-6 is the inquest report. Thereafter, I have submitted requisition for holding post mortem report on the dead body of Jayanti Nayak to the Superintendent, Civil Hospital, Golaghat and thereafter, I have proceeded to the Court of Chief Judicial Magistrate, Golaghat and there, I have submitted one prayer for adding section 302 IPC and after considering my prayer, the Chief Judicial Magistrate, Golaghat has added section 302 IPC along with section 342/325/307 IPC. Thereafter, on 13.04.2011, I have collected the post mortem report of the victim woman. Also I have collected the dying declaration of the victim woman.

*Witnesses  
Bijoyam*

*Q.*

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Then on completion of investigation and after obtaining supervision note from C.I., Bokakhat and having found made out a prima facie case u/s 342/302 IPC, I laid charge sheet against the accused Bijoy Nayak to stand trial in the Court under the said sections of law. Ext-7 is the charge sheet and Ext-7(1) is my signature.

X X X X X X X

*Pravus Gohain*

I have seized the articles from the place of occurrence, but the place from where I have seized the articles finds no mentioned in the seizure list, Ext-3. I have not sent the Material Exhibits for FSL examination to ascertain the finger prints of the accused thereon. I have not found any evidence of catching fire by other articles at the place of occurrence. The pond in which the victim jumped after catching fire is situated at a distance of 100 meters from the place of occurrence. Dr. Partha Gohain who has recorded the dying declaration of the victim woman has not obtained our signatures as witnesses in the dying declaration made by the victim woman. It is not a fact that the victim itself set her ablaze and the accused is not entangled with the same. It is not a fact that I have submitted the charge sheet mechanically.

During investigation, I have recorded the statement of witness of Sri Deba Nayak. He has not stated before me that the victim woman told her mother that the accused poured kerosene on her person and thereafter, set fire on her. He also not stated before me that the victim woman told him that the accused poured kerosene on her person and thereafter, set fire on her.

R.O. & A.C.

*[Signature]*  
Sessions Judge  
Golaghat. 17.02.16

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Sessions Case No. 81/2011.

Assam Schedule VIII, Form No.99.

High Court Criminal Form No.(M)85.

FORM FOR RECORDING EXAMINATION OF ACCUSED.

EXAMINATION OF THE ACCUSED UNDER SECTION 313 Cr.P.C.

Examination of accused taken before Shri R. Phukan, Sessions Judge, Golaghat, on the 2<sup>nd</sup> day of March, 2016, in the language interpreted by his lawyer.

My name is Sri Bijoy Nayak alias Sahani, Aged about 36 years

My father,s name is Sri Sitaram Sahani,

I am by caste and occupation - *Labourer*

My home is at Mouza village Bongaon

Police station Kamar Gaon,

District Golaghat. I reside at village Bongaon, Police station Kamar Gaon,

শ্রী বিজয় নাথ সাহানী

**Question No.1** :- P.W.1 Dr. Partha Gohain testified that on 10.03.2011 he examined Jayanti Nayak, who was lying in death bed after sustaining severe burn injuries, at K.K. Civil Hospital, Golaghat, in prsence of witnesses Smti. Archana Baruah and Smti. Bobita Nayak and Ext.1 is her statements and he took her thumb impression over the same.

P.W.5 Archana Baruah and P.W.6 Bobita Nayak also testified the same. *Ext.1. reveals that you focused kerosen on his person and set fire there after.*

Have you got anything to say in this regard ?

**Answer :-** *False statement*

**Question No.2** :- P.W.2 Deba Nayak testified that about one and a half year back, in the morning at about 8-00 a.m., while he was taking tea in his own house, then his daughter Jayanti Nayak came out of the house of her husband-accused Bijoy Nayak, who resides in the vicinity of his house, catching fire on her person and raising hue and cry.

Contd...P/2.

Have you got anything to say in this regard ?

Answer :- *False statement*

**Question No.3 :-** P.W.2 Deba Nayak also testified that his daughter told him that you set her ablaze by pouring kerosene on her person and thereafter she jumped into a pond to put out the fire and then his wife rescued her from the pond and when his wife asked his daughter then her daughter told that the accused had set her ablaze from back side inside the house by pouring kerosene and then they took her to K.K. Civil Hospital, Golaghat, where she died after ten days of the occurrence.

Have you got anything to say in this regard ?

Answer : *False statement*

**Question No.4 :-** P.W.3 Dr. Pallabi Gogoi testified that on 21.03.2011 she conducted autopsy on the dead body of Late Jayanti Nayak and on examination she found :-

A deadbody of an adult female, medium height, swarthy complexion with long black hair. Eyes closed and rigormortis present.

The skin of the whole body from below the neck is burnt with multiple black blister. There is deep burn in some parts of the body. Percentage of burn is about 80%.

Cranium and spinal canal – congested.

Thorax-Wall – superficial burn with areas of deep burn. Ribs and cartilage are normal. Heart- Right chamber contains blood and left chamber empty. Others- congested. Abdomen walls- multiple blister due to burn. Stomach- congested and contains undigested food material. Small intestine- congested and contains semi-digested food. Large intestine= congested and contains faecal matter. Others- congested. Liver- congested, Spleen- congested, kidneys – congested, Bladder- congested and contains small amount of urine. Organs of generation- healthy and uterus is normal in size.

Contd...P/3.

श्री विवेक चन्द्र मुखर्जी

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(Page.....3)

The dead body has got black skin blister and more than 80% burn all over the body except the head, neck and sole.

The burn is antemortem in nature. Rigormortis present, so the time death is within 36 hours.

Upon the above findings, he opined that the death of the deceased is due to shock as a result of the burn injuries sustained by her. Ext.2 is the P.M. report.

Have you got anything to say in this regard ?

Answer : *No comment.*

**Question No.5 :-** P.W.4 Thuluk Nayak testified that in his vehicle he carried Jayanti Nayak from Bokakhat to Golaghat Civil Hospital and he had seen her in injured condition, but he is not aware as to how she sustained injuries. Police took his signature over a piece of paper, the seizure list(Ext.3), but he is not aware as to what articles were seized by Police.

Have you got anything to say in this regard ?

Answer : *No comment.*

**Question No.6 :-** P.W.6 Smti. Bobita Nayak also testified that about one and a half year back, about 8-00 a.m. in the morning, while she was taking tea in her house, then she saw her daughter coming out of her house having caught by fire on her person and shouting her and her husband to save her and thereafter, she jumped into a pond in front of their house.

Have you got anything to say in this regard ?

Answer : *No comment.*

**Question No.7 :-** P.W.6 also testified that she then rescued her from the pond and then she had seen injuries on her whole body except the face and neck and when she

Contd...P/4.

9/12/19 07:10 8/2/19



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(Page.....4)

asked Jayanti told her that you set fire on her person. Then she was taken to Bokakhat hospital and therefrom to Golaghat, but thereafter she succumbed to her injuries.

Have you got anything to say in this regard ?

**Answer :** *False statement.*

**Question No.8 :-** P.W.7 Sitaram Sahani testified that about one year back one day at about 8-30 a.m. in the morning, he heard hullah towards the pond and there his daughter-in-law fell down and she sustained burn injury on her whole body except the fact and she succumbed to the injuries in the hospital.

Have you got anything to say in this regard ?

**Answer :** *No comment.*

**Question No.9 :-** P.W.8 Bhani Sahani testified that about three years back, in one morning, while she was cooking food in the kitchen, her daughter-in-law Jayanti Nayak went to take her bath and had gone out and then she heard hue and cry of her daughter-in-law inside the house and she also saw catching fire on her person and, thereafter, she jumped into the pond, situated in front of her mother's house. Then she along with the mother of deceased Jayanti Nayak and her little daughter rescued her from the pond and after 13 days, Jayanti Nayak succumbed to her injuries at Golaghat Civil Hospital.

Have you got anything to say in this regard ?

**Answer :-** *No comment.*

**Question No.10 :-** P.W.8 also testified that Police seized one kerosene gallon and burnt clothes from the house of her daughter-in-law. P.W.9 has also testified the same facts.

Have you got anything to say in this regard ?

Contd...P/5.

APR 19 5 49 PM '19

Answer :- No comment.

Question No.11 :- P.W.10 S.I. Abdus Salam testified that on 10.03.2011, he visited the place of occurrence and prepared sketch map (Ext.5) and from the place of occurrence he seized one 5 Ltr. Plastic gallon, one piece of burnt Sari, one match with one burnt stick and 13 Nos. of live match sticks vide Ext.3, seizure list. Material Ext.1 is the plastic gallon and Material Ext.2 is the burnt Sari and Material Ext.3 is the burnt and live match stick with the match.

Have you got anything to say in this regard ?

Answer :- I bought keos on the previous day from co-offend

Question No.12 :- P.W.10 further testified that while he visited K.K. Civil Hospital, Golaghat, he found the condition of the victim deteriorated and then he requested the Supdt. of K.K. Civil Hospital, Golaghat, for recording dying declaration of the deceased. Then the Supdt. of K.K. Civil Hospital, Golaghat, endorsed Dr. Partha Gohain to record dying declaration of the victim and accordingly, Dr. Partha Gohain recorded dying declaration of the victim in presence of Smti. Bobita Nayak and Smti. Archana Baruah and Bobita Nayak identified the victim before Dr. Partha Gohain.

Have you got anything to say in this regard ?

Answer :- No comment.

Question No.13 :- Have you got anything to say in connection with the alleged occurrence ?

Answer :- I have not committed the offence. At that time I was watching T.V.

Question No.14 :- Will you adduce any evidence in your defence ?

Sd/ Partha Gohain

(30)

(35)

(Page.....6)

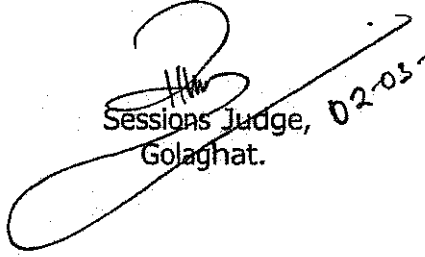
Answer :-

I will adduce evidence in my defence.

শ্রী বিহারী নাথক গাঙ্গুলী

Signature of the accused.

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

  
Sessions Judge,  
Golaghat.

02-05-16

(31)

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**HEARING OF THE ACCUSED ON THE POINT OF  
SENTENCE UNDER SECTION 235(2) Cr.P.C.**

**Name of the accused** :- Sri Bijoy Nayak.

Father's name :- Sri Sitaram Sahani.

Age :- 36 years.

Resident of Bongaon. P.S. - Kamargaon.

District - Golaghat.

**Question** : You have been found guilty and convicted u/s 302 IPC. The offence u/s 302 IPC carries punishment with death, or imprisonment for life, and shall also be liable to fine.

Have you got anything to say as to why the aforesaid punishment should not be inflicted upon you ?

**Answer** : I have the burden of looking after my teenage child and my aged old parents and except me, there is none to look after them. I have to look after the education of my child also. In my absence, they will suffer a lot. Therefore, I may be dealt with leniently.

  
Sessions Judge  
Golaghat. 12-05-16

By Bijoy Nayak  
12/5/16

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Exhibit No.2  
S/C No. 81/11  
Sd/- Illegible  
Session Judge  
Golaghat  
1/10/12

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

**POST MORTEM REPORT**

PMR No. :

Station : 21.3.11 on K.K. Civil Hospital, GLT

Day of : 21<sup>st</sup> March, 2011

Ref : Kamargaon P.S. Case No. 16/11 Dt 9.3.11 u/s 342/325/309

IPC.

**Name, Sex, age and caste :**

LT. Jayanti Nayak, 15 years, female, Hindu

D/O Sri Deba Nayak

Vill.- Bongaon

P.S. Kamargaon

Dist.- Golaghat

**Whence brought Village and Thana :**

K.K. Civil Hospital, Golaghat

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

(1) UBC /52 Rana Bora

(2) Sri Deba Nayak

(3) Sri Anand Nayak

(4) Sri Baba Nayak

**DATE AND HOUR OF**

**Despatch** : 21-3-11

**Arrival at dead house** : 21-3-11

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Examination : 21-3-11 at 1.00 p.m.

Information furnished by Police : As per inquest report

By whom identified before Medical Officer :

UBC/52 Rana Bora

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 dead body of an adult female, medium height, swarthy complexion with long black hair. Eyes closed and Rigor Mortis present.

2. Wounds - position, and character :

The skin of the whole body from below the neck is burnt with multiple black blister. There is deep burn in some parts of the body. Percentage of burn is 80%.

3. Bruise Position size and nature : Nil

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

## II - CRANIUM AND SPINAL CANAL

1. Scalp, Skull, Vertebrae :

Healthy

2. Membrane :

Congested

3. Brain and and spinal cord :

Congested.

### III – THORAX

1. Walis ribs and cartilages : Superficial burn with areas of deep burn. Ribs and Cartilages are normal
2. Pleurae : Congested
3. Larynx and trachea : Congested
4. Right lung : Congested
5. Left lung : Congested
6. Pericardium : Congested
7. Heart : Right Chamber contains blood and left chamber Empty
8. Vessels : Healthy

### IV - ABDOMEN

1. Walls : Multiple blisters due to burn
2. Peritonoum : Congested
3. Mouth, pharynx, oesophagus : Congested
4. Stomach and its contents : Congested and contains undigested food material
5. Small intestine and its contents : Congested and contains semi digested food material
6. Large intestine and its contents : Congested and contains <sup>faecal</sup> matter
7. Liver : Congested
8. Spleen : Congested
9. Kidneys : Congested
10. Bladder : Congested and contains small amount of urine
11. Organs of generation external and internal : Healthy and uterus is normal in size.

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## V - MUSCLES, BONES AND JOINTS

1. Injury : As described in part I.
2. Disease or deformity : NIL
3. Fracture : NIL
4. Dislocation : NIL

### MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

The dead body has got black skin blisters and more than 80% burn all over the body except the head, neck and sole.

The burn is ante mortem in nature.

Rigor Mortis present, so time since death is within 36 hours.

### OPINION OF ASSISTANT SURGEON AS TO CAUSE OF DEATH SUB – ASSISTANT SURGEON

In my opinion, the cause of death of the deceased is due to shock as a result of the burn injuries sustained by the deceased.

*Ext.2(1)*  
*Sd/- Illegible*  
*Session Judge*  
*Golaghat*  
*1/10/12*

*Sd/- Illegible*  
*Dr. Pallabi Gogoi*  
*Medical & Health Officer - I*  
*K.K. Civil Hospital, Golaghat*

The 21<sup>st</sup> day of March 2011

ASSISTANT SURGEON OF .....  
SUB-ASSISTANT SURGEON



(56)

REMARKS BY CIVIL SURGEON

Ext. 2(2)  
Sd/- Illegible  
Session Judge, Golaghat  
1.10.12

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

Ext. 2(3)  
Sd/- Illegible  
Session Judge, Golaghat  
1/10/12

Sd/- Illegible  
1/10/12  
Joint Director of Health Services  
Golaghat

The day of

Signed \_\_\_\_\_  
Civil Surgeon of \_\_\_\_\_

Mo. MO No. 362-63 Dt. 02/04/11

Copy to: (i) The P.I. Court, GLT

(ii) O/C Kamaragaon P.S.

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Ext. No. 3  
SC no. 81/11  
Sd/- Illegible  
Session Judge, Golaghat  
1.10.12

**SEIZURE LIST**

*MR No. 03/2011  
of Khumtai O.P.*

Ref: Kamargaon P.S. Case No. - 16/2011 u/s 342/325/307 IPC

I S.I. A. Salam. i/c Khumtai O.P. under Kamargaon P.S. do hereby seize the following articles on seeing produced by accd. Shri Bijoy Sahani S/O Shri Sitaram Sahani of Bongaon P.S. - Kamargaon Dist. - Golaghat in presence of the following signed witnesses on 10-3-2011 at Bongaigaon in the place of occurrence.

Description of seized article:

1. A green jerrycan of 'Engine Brand' with 5-Litre capacity *M. Ext.1*
2. Two pieces of a burnt sari *M. Ext.2*
3. One match box, a burnt match stick and 13 unburnt sticks *M. Ext.3*

Signature of witnesses:

(1) Sd/- Shri Thuluk Nayak  
S/O Lt. Jaydhan Nayak  
R/O Bongaon  
P.S. Kamargaon

*Ext.3(1)*  
Sd/- Illegible  
Session Judge  
Golaghat  
1.10.12

(2) Miss Tulsi Sahani  
D/O Shri Sitaram Sahani  
R/O ---do-----

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*Bhani*  
(3) R.T.I. Sahani  
W/O Sitaram Sahani  
of Bongaon

(4) Sd/- Shri Sitaram Sahani  
S/O Lt. Jagaru Sahani  
Bongaon

*Ext.3(2)*  
Sd/- Illegible  
Session Judge  
Golaghat  
16/7/13

*Ext.3 (3)*  
Sd/- Illegible  
Sessions Judge  
Golaghat  
17/2/16

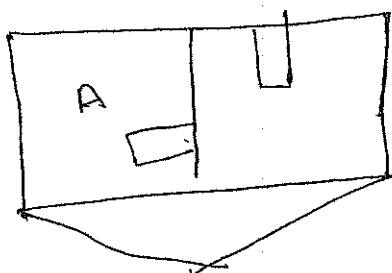
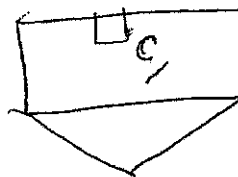
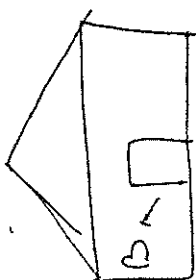
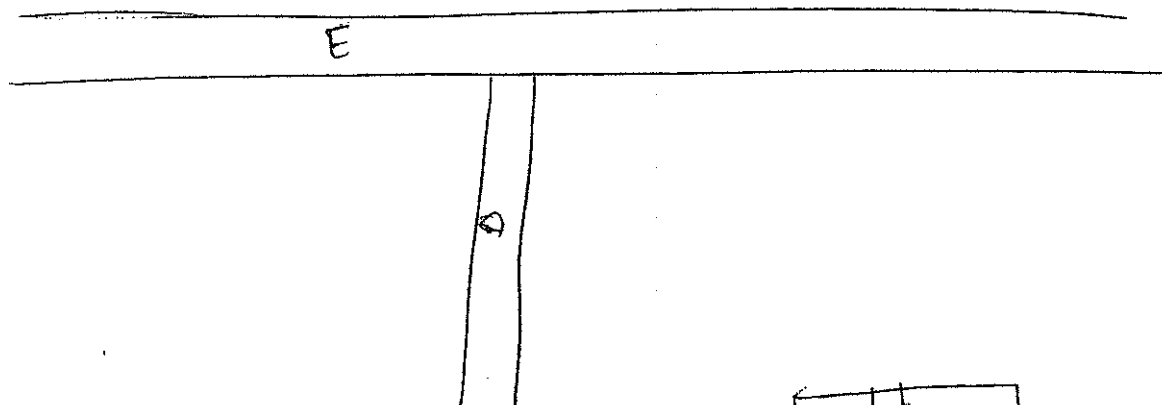
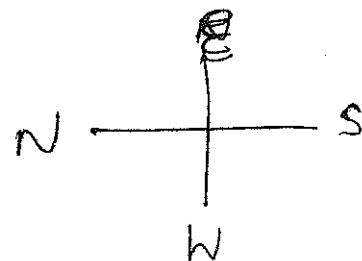
*Sd/- Illegible*  
10/3/11

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Exhibit No.5  
Sd/- Illegible  
Sessions Judge  
Golaghat  
17/2/16

**Sketch map of PO**

Ref: Kamargaon P.S. Case No.- 16/2011 u/s 342/325/307 I.P.C.



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A = Index P.O.

B = House of Bikram Sahani brother of Shri Bijoy Sahani

C = House of Shri Sitaram Sahani

Father of accused Bijoy Sahani

D = Road towards accused Bijoy Sahani from 37 high way

E = 37 High way

*Ext.5 (1)*  
*Sd/- Illegible*  
*Sessions Judge*  
*Golaghat*  
*17/2/16*

Drawn by me

Sd/- Illegible  
10/3/11

Ext. 6  
Sd/- Illegible  
Session Judge,  
Golaghat  
17/2/16

(61)

## INQUEST REPORT FORM

- 1) STATE- Assam DIST- Golaghat P.S.- Kamargaon  
FIR/A.D.NO./U.D.NO- KRG P.S. Case No. 16/11  
Year
- 2) ACT SECTION : u/s 342/325/307 IPC
- 3) (a) Place & time where - Place : K.K. Civil Hospital, Golaghat  
Dead body found/traced - Date : 21-03-2011 Time :
- (b) Was the body cold/warm when found - Normal burned
- 4) Person who showed dead body/ - Name - Shri Deba Nayak  
traced the dead body. Age - 48 Years  
Address - Vill.- Bongaon  
P.S. Kamargaon  
Dist. Golaghat
- 5) Person who identified the body - Name - Shri Deba Nayak  
Age - 48 Years Sex- Male  
Address - Vill.- Bongaon  
P.S. - Kamargaon  
Dist. Golaghat
- 6) Deadbody - Sex: Female  
Approximate Age 15 Years  
Approximate date and time of death  
on 21-03-11 @7-30 am
- 7) Position of dead body - Normal by burned of whole body and  
covered by yellow/ Saree

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- 8) Name & Address (if known) - Jayanti Nayak - 15 yrs  
D/O - Shri Deba Nayak  
of Bongaon  
P.S. - Kamargaon  
Dist.- Golaghat (Assam)
- 9) Description of dead body  
Jayanti Nayak - 15 years  
Built- Medium,  
Height- 5' 4'  
Complexion- Swarthy  
Identification Mark-  
Deformities-  
Teeth- Full                      Hair- Black  
Eyes- Closed  
Dress-  
Burn Mark- Chest to downside of the  
dead body  
Luccoderma- Nil  
Mole-                              Scar- Nil  
Tattoo- Nil  
Other feature- Nil
- 10) DESCRIPTION OF INJURIES FOUND ON DEAD BODY (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- Nil
- (e) Stomach- Nil

- (f) Limbs-
  - (a) Right hand - Nil
  - (b) Left hand - Nil
  - (c) Right leg - Nil
  - (d) Left leg - Nil
  - (g) Private parts - Nil
  - (h) Back - Nil
  - (i) Other information like wound's, Bruises and Marks of injuries / Bleeding (if any) -
  - (j) Whether the limbs/body is still or loose -

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

(b) Photograph/V.D.O. of the body both from near or long distance should be  
taken. I/O to proceed to the P.O. with all necessary tools - No

(c) Whether dead body sent Post-Mortem Yes/No - Yes 16/11 dt 9.3.2011

(d) Dead body sent for Post Mortem to which Hospital / Place-  
K.K. Civil Hospital , Golaghat

(e) Dead body sent for Jayanti Nayak- 15 yrs.

Post-Mortem through

Whom name - UBC/No. 52 Rana Bora

B. NO. Posting :

(f) Viscera -



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(In case of dead 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 of Instrument used thereof (if any) - By burned whole body of the deceased.
- 13) More Information/Suspicion (if any) - NIL
- 14) Date & Time of Inquest report Date - on 21-3-2011  
Time - 11 a.m.

15) NAME & ADDRESSES OF WITNESSES & SIGNATURE

NAME OF WITNESSES

SIGNATURE OF WITNESSES

- |   |                           |
|---|---------------------------|
| 1) Shri Deba Nayak<br>S/O - Lt Samaru Nayak                   | 1. L.T.I. Deba Nayak      |
| 2) Shri Bircha Nayak<br>S/O - Shri Ranjit Nayak               | 2. Sd/- Shri Bircha Nayak |
| 3) Shri Anand Kumar<br>S/O - Shri Arun Kumar                  | 3. Sd/- Shri Anand Kumar  |
| 4) Shri Baba Nayak<br>S/O Shri ( <sup>illegible</sup> ) Nayak | 4. Sd/- Shri Baba Nayak   |

All are of Bongaon P.S.- Kamargaon

*Sd- Illegible*

Signature of the Investigation Officer/  
Executive Magistrate

1) Name : (P.K. Deori)

2) Rank : Circle Officer & EM

3) Posting / Address: Khumtai Rev. Circle

Received  
Sd/- Illegible  
21.3.11

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Ext.7  
Sd/- Illegible  
Sessions Judge  
Golaghat  
17/2/16

Assam Schedule XL-A (Part1), Form No. 148

**CHARGE SHEET**

District – Golaghat

Charge sheet No. – 10/11

Date – 23-4-2011

Police Station – Kamargaon

In First Information No. – 16/2011

Date – 9-3-2011

**(1) Name, address & occupation of COMPLAINANT**

Shri Dev Nayak  
S/O Lt. Samaru Nayak  
R/O Bongaon  
P.S. Kamargaon  
Dist: Golaghat

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

**Names and addresses of accused persons sent up for trial**

**(3) In custody**

**(4) On bail or recognizance**

Shri Bijoy Nayak alias Sahani  
S/O Shri Sitaram Sahani  
R/O Bongaon  
P.S. Kamargaon  
Dist: Golaghat

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

M.R. No. 03/2011 of Khumtai O.P.

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

1. Shri Dev Nayak  
S/O Lt. Samaru Nayak  
R/O Bongaon, P.S. Kamargaon  
Dist: Golaghat

2. Shri Thuluk Nayak  
S/O Shri Jaydhan Nayak  
R/O ---Do-----
3. Ms. Tulsi Sahani  
S/O Sitaram Sahani  
R/O ----Do-----
4. Smt. Bhoni Sahani  
W/O Shri Sitaram Sahani  
R/O ---Do-----
5. Shri Sitaram Sahani  
S/O Lt. Jagaru Sahani  
R/O --Do---
6. Smt. Babita Nayak  
W/O Shri Dev Nayak  
R/O---Do----
7. Dr. Partha Gohain  
K.K. Civil Hospital, Golaghat
8. Mrs. Archana Baruah  
GNM, K.K. Civil Hospital  
Golaghat
9. Dr. Pallavi Gogoi  
K.K. Civil Hospital, Golaghat
10. SI Abdus Salam  
Khumtai Police outpost  
P.S. Kamargaon

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

The charge, in brief, is that on 09-03-2011 by lodging an ejahar Shri Dev Nayak, the son of Lt. Samaru Nayak and a resident of Bongaon under Kamargaon Police Station

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informed this police station that around 8 a.m. Shri Bijoy Nayak a resident of Bongaon under Kamargaon Police Station had brutally tortured his wife Smt. Jayanti Nayak, who was the daughter of the complainant by closing the door from inside and then set fire to her by pouring kerosene on her person; that although she had been admitted into the hospital she was in a critical state; that since no written information had been given to the P.S. the same was lodged for necessary action. To that effect, the said case was registered u/s 342/325/307 of I.P.C. and investigation was done into the matter.

During investigation, the P.O. was visited and the witnesses were interrogated. Since the victim of the case Smt. Jayanti Nayak was undergoing treatment at K.K. Civil Hospital, her dying declaration was recorded through requisition and a copy of the same was collected on 21-03-2011 injured Smt. Jayanti Nayak died while undergoing treatment. Then the inquest was held and P.M. Examination report was collected after getting the P.M. Examination done on the body. When Smt. Jayanti Nayak died while undergoing treatment, a written prayer was made with the court of Chief Judicial Magistrate, Golaghat to add section 302 I.P.C. to the case. Then, the court ordered to add section 302 of IPC with the Sections 342/325/307 of IPC of the case. Accordingly, Section 302 of IPC was added to the case.

During investigation, upon finding the case well established against arrested accused Shri Bijoy Nayak alias Sahani for committing an offence punishable u/s 342/302 of IPC, this charge sheet has been submitted to the hon'ble court for holding the trial against him.

A seizure list, one dying declaration and one P.M. report are furnished herewith the charge sheet.

The witnesses mentioned in column 6 will substantiate the case. Prayer is made to serve summon the witnesses.

*Ext. 7(1)*  
*Sd/- Illegible*  
*Sessions Judge*  
*Golaghat*  
*17/2/16*

Sd/- Abdus Salam, SI  
Khumtai Police out post  
P.S. Kamargaon

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Forwarded to the Hon'ble CJM, Golaghat through the P.I. Golaghat court along with one no. original seizure list, one no. original dying declaration statement of victim, one no. P.M. examination report.

*Sd/- Illegible  
Officer-in-Charge  
Kamagaon Police Station  
Dist. Golaghat, Assam  
Date 24/4/11*

