

MAIN EXAMINATION (2013) FOR DIRECT RECRUITMENT TO GRADE-I OF
NAGALAND JUDICIAL SERVICE

PAPER- III

TIME :- 3 HOURS
TOTAL MARKS:- 100

CONSTITUTIONAL LAW

Answer any five questions (6x5=30 Marks)

1. Discuss the Constitutional provision of the President of India. Can he withhold a legislative bill passed by both the houses of Parliament?
2. (a) Differentiate between Article 32 and 226 of the Constitution in its applicability.
(b) Explain the various jurisdictions of the Supreme Court of India.
3. What do you understand by proclamation of Emergency? Describe the different kinds of Emergency and its effects.
4. The places of worship of a minority community are attacked throughout a State. The Central Government gave detailed directions and urged the State to take effective action. The Chief Minister of the State wants your advice as to whether the Central Government has power to give such directions and what may happen if the directions are not implemented.
5. What are the provisions in the Constitution of India which secure the independence and impartiality of the judiciary? Is really the judiciary independent in India?
6. Article 21-A of the Constitution of India imposes burden on State to provide free and compulsory education, while Article 51-A places burden entirely on parents. Explain as to which one shall prevail and can be enforced in a court of law. Give reasons with reference to selected authorities.
7. "Pardoning power of the President is not immune from judicial review". Examine the statement with the relevant case-law.
8. Point out the contingencies under which the President may promulgate Ordinances. Discuss the limitation on this power.

P.T.O.

JURISPRUDENCE

Answer any two questions

5x2 =10 Marks

9. Write short notes on any two of the following –
- i) Historical school
 - ii) Natural Law
 - iii) Stare decisis
 - iv) Corporation sole
10. (a) What are the requisites of a valid custom.
- (b) The custom of child marriage and dowry persisted in India for long and still continues as custom. Can these customs be enforced in a Court? Give reasons for your answer.
11. Answer any two of the following :-
- (a) What do you understand by 'personal' and 'real' property?
 - (b) State the definition of legal duty.
 - (c) What is the distinction between custom and convention?
 - (d) Are animals legal persons? Give reasons.
 - (e) What are the modes of acquiring property?

JUDGEMENT WRITING

12. Write a judgment:-

60 Marks (Paper Book enclosed)

PAPER BOOK

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

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

GR No.57/06

1. Dist – Dibrugarh, P.S. – Tingkhong, Year 2006
FIR NO.04/06 date 10-1-06
2. (i) Act..... IPC Sections U/S 325 IPC
(ii) Act Sections Addl Sec 302 IPC
(iii) Act Sections
(iv) Other Acts & Sections
3. a) General Diary Reference Entry No. 191
..... Time 10-1-2006 at 8.15 AM
b) Occurrence of offence : Day ... Monday date 09-1-06
Time 8 AM
c) Information received date 10-1-06 ... Time at 8.15 AM
GD No. at the police station
4. Type of information Written
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 – Late Bhakat Ram Gogoi
c) Date/year of Birth - ... 1961 45 yrs
d) Nationality ... Indian
e) Passport 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 Lilbor 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/UD Case No., if any
12. FIR 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 take up P/S step of the case to take up the investigation/transferred to P.S on point of jurisdiction FIR to the complainant/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 Shri 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

Received and registered Tingkhong P.S. C/No.04/06 U/S 325 I.P.C. A.S.I. Bhuvan Bhuyan has taken up pre step of the case.

Sd/- Nobin BOrborah S.I.
Officer-in-charge
Tingkhong P.S.
Dist – Dibrugarh
10-1-06

**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 within 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 an 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 OIRDER

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 – Dibrugarh, Police Station Tingkhong
Occupation – cultivator

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 January. On that day at about 7 p.m. Lilbon Gogoi was enjoying the heat of fire and at that time Sunil striked 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.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

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 – Dibrugarh, Police Station Tingkhong

Occupation – House wife

On S/A

The accused is my husband's elder brother, 'Borjona'. 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 struck his on his head from behind. He was brought home from hospital and at home he died.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

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 torture.

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 Lt. Lilibor Gogoi
My age is 27 years, I reside at 2No.Dadumoni
District –, Police Station Tingkhong
Occupation – cultivator

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 alongwith Pradip Gogoi took him to Naharani 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.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

The accused suffered for mental disorder. When his wife left him, thereafter, he was not found to be completes normal. We showed him to some village 'Bez'. He resided separates.

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
District –, Police Station Tingkhong
Occupation – cultivator

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 senseless. Priyanka told that Sunil had striked him.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

NIL

Sd/- illegible

R.O.&A.C.
Sd/- illegible
26-9-06

FORM FOR RECORDING DEPOSITION

Deposition of **P.W. 5**

Present : Shri A. Alam
Addl. Sessions Judge (FTC)
Dibrugarh

My name is Smti Priyanka Gogoi
Son/Wife/Daughter of Sri Pranab Gogoi
My age is 11 years, I reside at Padumani 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-

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 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 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 the 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 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.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXX

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.

Sd/- illegible

R.O.&A.C.
Sd/- illegible
26-9-06
Addl Sessions Judge (FTC)
Dibrugarh

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 – Dibrugarh, Police Station Tingkhong
Occupation – Business

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.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

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, FTC, DBR

My name is Sri Dr Rupak Kumar Gogoi
Son of Sri Harghadhar Gogoi
My age is 39 years, I reside at Udaypur Dibrugarh
Occupation – Asstt 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. Membrain – Subdural, Heamorrhage present on
whole cervical hemisphere, Brain-congested.

Examination of thorax –

All were found healthy.

Examination of abdomen -

All were found healthy.

Cause of death was come, 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.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

Declined

Sd/- illegible

R.O.&A.C.
Sd/- illegible
Addl Dist & Sessions Judge(FTC)
Dibrugarh
1.12.06

FORM FOR RECORDING DEPOSITION

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. Lilbor Gogoi

I am by caste . Hindu

My home is at Mauza Police Station Tingkhong, Dist- 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 Lilibor 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 injury. Prianka told me that Sunil Gogoi 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.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

Sunil Gogoi has brain defect

Sd/- illegible

R.O.&A.C.
Sd/- illegible
28-12-07

FORM FOR RECORDING DEPOSITION

Deposition of **P.W. 9**

Aged about 56 years taken on oath or solemn affirmatuion 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 Suraj Gogoi

My father's name is Lt. Baputi Gogoi

by caste ... Hindu

My home is at Mauza Konwarigaon, Police Station Tingkhong, Dist- 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 Lilibor Gogoi was killed by Sunil Gogoi (son). I heard that Lilibor 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.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

DECLINED

R.O.&A.C.
Sd/- illegible
28-2-07

FORM FOR RECORDING DEPOSITION

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 this28-3-07

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 .. Tingkhone, 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 PS. 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 taking 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 his injuries. 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(1) is the signature of Bipul Katakey.

XXXXXXXXXXXXXXXXX cross XXXXXXXXXXXXXXXX

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. Dist & Session Judge (FTC),
Dibrugarh on the day of 29-11-02 in the language, interpreted by

My name is Sunil Gogoi

My father's name is Sri Lilabor Gogoi

I am by casteand by occupation.....

My home is at Mauza, Police Station- Tingkhong, District- Dibrugarh

I reside at Kuari gaon.....

Q. It is alleged that you committed murder of Lilibor Gogoi. What is your answer ?

Ans. False.

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

Ans. I hit Lilibor 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 Lilibor died at hospital. What is your answer ?

Ans. I hit Lilibor 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 dies. 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 fleded away after the incident.

Ans. It is not a fact that I fleded 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 lilbor 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

Ext.1
Sd/- illegible

FORWARDING REPORT

To

The Officer in Charge
Tingkhong Police Station
Tingkhong

Dated 11-1-06

Sub: Regarding death of the injured

Sir,

Humble submission is that I lodged an ejahar 10-1-06 informing that around 8 a.m. on 9-1-06 my elder brother Lilbar Gogoi had been beaten by his son Sri Sunil Gogoi with a split firewood, thereby making him grievously injured. He had been under treatment in Nahorani Health Centre.

It is a matter of regret that my elder brother succumbed to his injuries around 10 p.m. yesterday.

I, therefore, inform you the same.

Ext.1(1)
Sd/- illegible

Yours faithfully
Sd/- Sri Dharmeswar Gogoi
Son of Lt Bhakatram Gogoi
Resident of No.2 Padumoni Gaon
Kuwari gaon
P.S. Tingkhong

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
11-1-06

Entered vide Tingkhong P.S. G.D.E. No. (torn) dtd 11-1-06

Sd/- Nobin Borborah
Officer in charge
Tingkhong P.S.
Dist. Dibrugarh
11-1-06

Ext.2
Sd/- illegible
26-9-06

INQUEST REPORT

Ref : Tingkhong P.S. Case No.4/06 U/S 325 IPC

Now, I Sri Mridul Kumar Das, Circle Officer, Rajgarh revenue circle, along with Asstt Sub Inspector of Tingkhong P.S. Bhuban Bhuyan and his staff arrive at the house of the deceased of the above mentioned case and hold inquest on the dead body, upon its identification by the deceaseds brother Sri Dharmeswar Gogoi to the following effect :

The deceased is found lying north south at the courtyard of his residence, covered with a white cloth. Lifting the cloth with which the deceased is covered, it is noticed that the deceased is aged around 65 years. The hair is about one and half inches long and completely gray. Both the eyes are slightly open. The mouth also slightly open. The face is covered with gray beard. The two hands are lying straight. Both the legs are lying straight. The wearig of the deceased comprises of a full sleeved vest and a markin dhoti. Tossing and turning the dead body, the nape of the deceased is found blackened. Examining the witnesses, it is learnt that the deceased Lilabar Gogoi was warming himself sitting by a fire, his son Sri Sunil Gogoi dealt a blow on his nape with a split firewood, resulting in his death.

Yet, in order to ascertain the real cause of deceaseds death the dead body is being sent to A.M.C.H. Dibrugarh, for P.M. examination.

Name and address of the deceased

Late Lilabar Gogoi, age 65 years
Son of Lt Bhakatram Gogoi
Resident of No.2 Padumoni gaon
'P.S Tingkhong

1. Sri Dharmeswar Gogoi, 45 yrs
S/o Lt Bhakatram Gogoi
No.2 Padumoni gaon
P.S Tingkhong

Ext.2(1)
S/d- illegible
26-9-06

2. Sri Rajen Gogoi, 30 years
S/o Lt Lilabar Gogoi
No.2 Padumoni gaon
P.S Tingkhong

3. Sri Saraj Kumar Gogoi, 53 yrs
s/o Lt Babuti Gogoi
No2 Padumoni Kuwari Gaon

4. Sri Bhadraswar Gogoi, 42 years
Son of Sri Bapiram Gogoi
Padumoni Kuwari gaon

Ext.2(2)
S/d- illegible
26-9-06

Sd/- illegible
13-1-06

Sd/- Dr. R.K. Gogoi
Asstt Professor
Deptt of Forensic Medicine
Assam Medical College

Ext.3
Sd/- illegible

POST MORTEM REPORT

Ref : Tingkhong P.S.C No.4/06 U/S 325 IPC

Station : A.M.C.H.
Day of : 13-1-06
P.M. No.40/06
Name, sex, age and caste : Lilbar Gogoi, M.H., age 65 yrs
S/o- Lt Bhakatram Gogoi
No.2 Padumoni
P.S. Tingkhong

Whence brought : At house
Village and Thana

Name of constable by : C/584 Hiteswar Chetia
Whom brought and
Names of relatives
accompanying

DATE AND HOUR OF

Despatch : 11-1-06 at 4 p.m.
Arrival at dead house : 13.1.06 at 1 pm
Examination : 13.1.06 at 1.30 p.m.
Information furnished by : As per inquest report etc.
Police
By who identified before : 1. C/584 Hiteswar Chetia
Medical Officer : 2. Sri Rajen Gogoi (son)

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

I. EXTERNAL APPEARANCE

1. Condition of subject stout
Emaciated, decomposed etc : One male dead body of average built, dark brown in complexion wearing a dhuti and a ganji. Rigor mortis present on both upper & lower limbs.
2. Wounds – position and
Character :
3. Bruise position size and nature :
4. Mark of ligature on neck : No ligature mark seen on dissection - healthy
dissection etc

II. CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae : Scalp contused on level temporal area.
Skull & vertebrae – healthy
2. Membrane : Sub dural haemorrhage present on whole cerebral hemisphere
3. Brain and spinal cord : Congested
Not examined.

Note :- The spinal canal need not be examined unless any indication
of disease or injury exist.

III. THORAX

- | | |
|------------------------------|--------------------|
| 1. Walls ribs and cartilages | : Healthy |
| 2. Pleurae | : Healthy |
| 3. Larynx and trachea | : Healthy |
| Right lung | : Healthy |
| Left Lung | : Healthy |
| Pericardium | : Healthy |
| Heart | : Healthy, contain |
| Vessels | : Healthy, contain |

IV ABDOMEN

- | | |
|---------------------------------------------------|------------------------------------------|
| 1. Walls | : Healthy |
| 2. Peritonium | : Healthy |
| 3. Mouth, pharynx, oesophagus | : Healthy |
| 4. Stomach and its contents | : Healthy & Empty |
| 5. Small intestine and its contents | : Healthy, contain gas and foecal matter |
| 6. Large intestine and its contents | : Healthy, contain gas and foecal matter |
| 7. Liver | : Healthy |
| 8. Spleen | : Healthy |
| 9. Kidneys | : Healthy |
| 10. Bladder | : Healthy & Empty |
| 11. Organs of generation external
And internal | : Healthy |

V. MUSCLES, BONES AND JOINTS

- | | |
|-------------------------|----------------|
| 1. Injury | : as described |
| 2. Disease or deformity | : Nil |
| 3. Fracture | : Nil |
| 4. Dislocation | : Nil |

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

ASSISTANT SURGEON

OPINION OF AS TO CAUSE OF DEATH
SUB- ASSISTANT SURGEON

Cause of death is come, resulting from head injury, which is ante mortem and caused by blunt force impact. Approximate time since death 36 to 48 hrs.

Ext.3(1)
Sd/- illegible

Sd/- Dr. R.K. Gogoi
Asstt Professor
Department of Forensic Medicine
Assam Medical College
ASSISTANT SURGEON OF
SUB-ASSISTANT SURGEON

The 13th day of January 06

REMARKS BY CIVIL SURGEON

ASI, B Bhuyan
Pse take n/a

Sd/- illegible
24-6-06
O.C.TKG P.S.

The of

Signed.....
Civil Surgeon of

Ext.4Sd/- illegible

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

CHARGE SHEET

District Dibrugarh, Charge Sheet No.33/06 Dt 10-1-06

Police Station Tingkhong In First Information No.4/06 dt 10-1-06

Name, address & occupation of COMPLAINANT

1

Dharmeswar Gogoi
s/o Lt Bhakatram Gogoi
of No.2 Padumoni Konwari gaon
P.s Tingkhong

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

[Show absconders in red ink]

2

Names and addresses of accused persons sent up for trial

In custody

3

On bail or recognizance

4

Sri Sunil Gogoi
s/o Lt Lilabar Gogoi
of No.2 Padumoni Konwari gaon
P.s. Tingkhong

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

5

Name and addresses of witnesses and what point each is called to prove

6

1. Dharmeswar Gogoi, S/o Lt Bhakatram Gogoi
2. Smti Dipali Gogoi, W/o Sri Pranab Gogoi
3. Sri Pranab Gogoi, S/o Sri Lilabar Gogoi
4. Sri Bipul Gogoi, S/o Lt Kuladhar Gogoi
6. Sri Lajen Gogoi, S/o Lt Lilabar Gogoi
7. Saruj Gogoi, S/o Lt Babuti Gogoi
8. Sri Bhadrashwar Gogoi, S/o Sri Bogiram Gogoi

All are No.2 Padumoni Konwari gaon, P.S Tingkhong

9. Sri Mridul Kr Das, Ex. Magt, SDC, Rajgarh
10. Sri R.K. Gogoi, Asstt Professor of Forensic Medicine AMCH, Dibrugarh
11. ASI, Bhuban Bhuyan
12. SI Bipul Kataki. Both of Tingkhong P.S.

Charge of information; Nature of Offence and circumstances connected with if so, consise

detail and under that section of the penal code charged

7

The charge in brief, is that on 10-1-06 Sri Dharmeswar Gogoi, S/o Late Bhakat Ram Gogoi, R/O No.2 Padumoni Kuwari village, lodged a written ejahar with the P.S. informing that at about 8 a.m. on 9-1-06 while the complainants elder brother Lilbar Gogoi had been warming himself sitting by fire Lilbar's son Sunil Gogoi had wounded Lilbar Gogoi from behind by dealing a blow with a firewood. Accordingly, a case was registered, vide case No.04/06 U/S 325 IPC and the investigation was started. During investigation the place of occurrence was visited and the witnesses were examined. Injured Lilbar Gogoi died while under treatment. An inquest report was prepared on the dead body and the body was sent for post mortem examination to A.M.C. Dibrugarh. The PM report reveals that the "Cause of death is coma, resulting from head injury which is ante mortem and caused by blunt force impact".

During investigation the accused was arrested and sent to the court with a prayer to try the case by adding section 302 IPC. As the charge is found to be well established U/S 302 IPC charge sheet is submitted against accd Sunil Gogoi. Copy of PM report is enclosed with the charge sheet. The witnesses mentioned in column 6 will substantiate the veracity of the case.

Ext.4(1)
Sd/- illegible

Sd/- Bipul Kataki
Sub Inspector of Tingkhong PS

Fdd to the CJM Dibrugarh through P.I. Dibrugarh Court.

Sd/- Illegible
Officer in Charge
Tingkhong Police Station
Dist. Dibrugarh
5.7.06