



and committed rape on her. He also tried to kill her by strangulation. Seeing the occurrence as Smti Tulsi Devi rushed to the place of occurrence, accused assaulted her also and as a result she became unconscious. After sometime Hira Devi arrived there and seeing the occurrence she started crying and made hue and cry and while the villagers arrived at the place of occurrence, accused fled away. Accordingly Sri Bishnu Lal Chetry brother of Smti Kalpana Devi lodged an FIR at Behali Police Out Post on 25-05-06.

2. On the basis of the FIR police registered a case, started investigation and after completion of investigation submitted charge sheet against the accused person under section 341/376/323/506 of IPC.

3. The accused person was produced before the Court of the Chief Judicial Magistrate, Sonitpur, Tezpur but as the offence is exclusively triable by the court of Sessions, the learned Magistrate committed the case to the court of Sessions, Sonitpur, Tezpur. As the learned Sessions Judge transferred the case to this court for disposal, the accused person appeared before this court and faced trial. Charge was framed against the accused person under section 323/376 of IPC. Charge was read over and clearly explained to the accused person to which he has pleaded not guilty and claimed for trial.

4. In course of hearing prosecution has examined as many as 15 witnesses including the MO and IO.

5. The accused person is examined under section 313 Cr PC.
6. Heard the learned counsel of both sides. But as the accused person is not acquitted under section 232 Cr PC, defence evidence is called for but the accused person declines to adduce evidence.
7. Heard Argument

**Point for determination**

1. Whether the accused person on 24-5-06 at about 2 pm at village Bapubheti voluntarily caused hurt to the person of Smti Kalpana Devi and Smti Tulsi Devi by blunt object ?
2. Whether at the same time and place the accused person committed rape on the person of Smti Kalpana Devi ?

8. **DECISION AND REASONS THEREOF**

**Point No.2**

9. In a case of section 376, IPC, the prosecution has to prove the presence of following two essential ingredients :-
  1. Sexual intercourse by a man with a woman.

2. The sexual intercourse must be under circumstances falling under any of the six Clauses mentioned in section 375, IPC. The said six Clauses mentioned in section 375 of IPC are as follows :-

*First. – Against her will.*

*Secondly. – Without her consent.*

*Thirdly. – With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.*

*Fourthly.- With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.*

*Fifthly.- With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.*

*Sixthly.- With or without her consent, when she is under sixteen years of age.*

*Explanation.- Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.*

*Exception.- Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.*

10. Now to determine whether the prosecution has been able to prove the presence of the ingredients in this case or not we have to see the evidences adduced by the prosecution witnesses.

11. PW1 Dr Anil Kr Dutta who examined the victim on 25-5-06 has opined that there is no evidence that suggests rape.

12. PW2 Sri Bishnu Lal Chetri is the first informant. He came to know about the occurrence from the mouth of the victim who is his elder sister.

13. PW3 is the Medical Officer who examined both Kalpana and Tulsu on 24-05-06 and found as follows:

1. Smti Tulsu Devi/Aged about 35 years/female/Hindu  
w/o- Sri Narayan Dahal.

Injuries are- (i) Tenderness over the abdomen and chest.

Nature of injury- Simple

Weapon- Blunt.

2. Kalpana Devi/Aged about 45 years/ female/ Hindu  
w/o- Sri Kul Bahadur Chetry

Injuries are- (i) Tenderness over the neck

(ii) Multiple abrasions on the right forearm.

Nature of injury- Simple

Weapon- Blunt.

14. PW4 Smti Kalpana Devi is the victim. She has stated in her examination-in-chief that on 24-5-06 at about 2 pm while she went to

the field to tether their cows suddenly the accused arrived and holding her neck fell down her and thereafter she was dragged to a nearby jungle holding her two hands. She was crying as “*gohar, gohar*” (Nepali language). Then the accused committed rape on her. Thereafter the accused gave a blow on her head with the hammer which was in her hand and she became unconscious. Later on she came to know that the villagers took her to the police station where from she was sent to the hospital. Police also produced her before the Magistrate who recorded her statement u/s 164 CrPC.

In her cross-examination she has stated that as the accused assaulted her with a piece of bamboo she sustained swelling on her head. As the field was dry, while she was dragging she sustained injury on her both hands and legs. The accused dragged her holding her both hands. She sustained injury on her abdomen, chest and thigh also. She was not dragged inside the jungle. Accused committed rape on her out of the jungle in an open place. Accused committed rape on her from back side for about half an hour. At that time to save herself she caused injury to the accused by her nail. Due to rape blood was oozing from her private parts and she sustained ruptured on her both vulva. Spermatozoa was entered into her private parts and her wearing clothes became dirty by those spermatozoa. As she made hue and cry while she was dragging, accused assaulted her after commission of rape. She regained sense at about 4/5 pm. She was admitted at Kanaklata Civil Hospital for three days. After four days police

produced her before the Magistrate for recording her statement. She has denied that she did not state before the police that while the accused dragged her to a nearby jungle then she cried for help shouting as “gohar, gohar” and the accused assaulted her on her head with a bamboo piece and she became unconscious. She has also denied the suggestion of the defence that as the cattle of the accused damaged their paddy, she falsely implicated the accused out of grudge.

15. Another injured Smti Tulsi Devi is examined as PW5. She has stated in her examination-in-chief that on 24-5-06 she went to the field to tether their cow. At that time accused also went to the paddy field. She saw the victim tethered their cows. Then the accused caught hold the victim from back side, fell her down and gagged her mouth with a ‘gamocha’ and started torture on her. Then she started shouting as “dhar, dhar” and tried to rescue the victim. Then the accused leaving the victim came to her and gave a blow on her abdomen. Accused also threatened her that if she made hue and cry in the village then she would be killed by him. Hearing halla Hira Devi arrived at the place of occurrence and villagers also followed her. While they chased, the accused fled away. She became unconscious. She could not say who lifted her. She was unconscious for about two days.

In her cross-examination she has stated that while she was produced before the Magistrate for recording her statement, she was not fully recovered and hence, she could not remember what was stated

by her in the statement. She was admitted in the hospital for two days. She has stated that at the time of occurrence except accused, victim and herself, no other person was present in the field. While she saw the torture by the accused on the victim then the victim was at a distance of 20 meter away from her. Though the accused gave blow even then she was shouting for about half an hour and thereafter she became unconscious. After arrival of Hira Devi she became unconscious and she could not say who came to the place of occurrence thereafter. She has denied that she did not state before the police that the accused fell down the victim from back side and gaged her mouth with a gamocha and made torture on her and then she started shouting as "dhar, dhar". She has admitted that as the victim was at a distance from her she (victim) may not see her. Since the falling down of the victim by the accused till she became unconscious it took one and half hour. She has denied the suggestion that on the day of occurrence she did not go to the field and no such occurrence was taken place. She has denied the suggestion that as there was an enmity between the accused and the victim regarding the damage of paddy by the cow of the accused and as there was a good relationship in between the victim and her, she deposed falsely against the accused as tutored by the victim.

16. Smti Hira Devi, daughter of the victim is examined as PW6. She has stated in her examination-in-chief that on 24-5-06 at about 2 pm her mother went to the field to see their cows but as her mother caused delay in return she went to see her. In the field hearing the shouting of

Tulsi Devi she rushed to the field and saw one boy was torturing her mother. The boy was on the body of her mother. While PW5 Tulsi Devi arrived at the place of occurrence accused rushed to her and she saw Tulsi Devi fell down. Then she out of fear rushed to the village shouting. The villagers came out and when they arrived at the place of occurrence, accused fled away. She saw one 'gamocha' on the mouth of her mother, two umbrella, one lathi and one hammer were lying near her mother. She went to the police station taking all those articles. Police sent her mother and PW5 to Kanaklata Civil Hospital and she returned home.

In her cross-examination she has stated that police seized those articles on the date of occurrence but police did not take her signature. She has admitted that the articles which were seized by the police are generally available in all families. She has further stated that hearing the halla, her another sister Lila Devi also went to the field and she also saw the occurrence. Sher Bahadur, Bhumika, Premlata and many other people went to the place of occurrence. She has further stated that while they went to the police station then her mother and Tulsi were not in a position to talk. She has further stated that her father stays at Shillong due to his service. He did not know about the occurrence. She has denied the suggestion that as the cow of the accused damaged their paddy, there was a dispute in between them and hence, they have falsely implicated him in a concocted case.

17. Sri Sher Bahadur Chetri is examined as PW7. He has stated in his examination-in-chief that the occurrence took place on 24-05-06 at about 1.30/2:00 pm. At that time he was at home along with his family member. Then hearing some shouting at the paddy field he came out. Before him, his daughter Bhumika and some children went to the field. Before his arrival some other persons arrived at the place of occurrence. At the place of occurrence he found Kalpana Devi and another lady whose name he has forgotten. Seeing the gathering, Petua Das fled away from the place of occurrence. He sent Kalpana Devi and other lady towards home and at that time they were not in a position to talk. He chased Petuwa Das but he could not catch him as he entered into the jungle. Returning to the place of occurrence he found two umbrella, one lathi and one gamocha at the place of occurrence and taking those articles he went to the police station along with the villagers. He handed over the articles to police and police seized those articles. From the police station the victim was sent to the Kanaklata Civil Hospital.

In his cross-examination he has stated that he found about 6/7 ladies and some children at the place of occurrence. He sent Kalpana Devi and other lady to house along with Bhumika, Hira, wife of Nabaraj Gautam and Mahendra Gautam. He has further stated that the name of the husband of Kalpana Devi is Kul Bahadur and he is missing since 1988.

18. Smti Bhumika Devi, daughter of Sher Bahadur Chetri is examined as PW8. She has also stated that on 24-5-06 at about

2:00/2:30 pm hearing shouting she came to the place of occurrence and saw Kalpana Devi and Tulsi Devi were lying unconscious. Accused Petuwa Das committed rape on Kalpana Devi and gave a blow on the abdomen of Tulsi Devi. Then the villagers took both of them to the police station and police sent them to Kanaklata Civil Hospital. The villagers handed over the police two numbers of umbrella, one lathi and one gamocha and police seized those articles and she put her signature in that seizure list.

In her cross-examination she has admitted that she did not see the occurrence. She heard from others.

19. One Smti Premlata Devi is examined as PW9. She has stated in her examination-in-chief that on 24-5-06 at about 2 pm she was sitting in the shadow of a tree on the back side of her house. Then she heard the crying from the field as “marise marise”, Then she went towards the field and saw one girl was coming crying as ‘marise marise’. In the meantime several villagers rushed to the place of occurrence and she also went there. She met Hira Devi and she informed her that her mother was assaulted. She saw Kalpana and Tulsi Devi were lying in unconscious state. After taking some water, Kalpana Devi became able to speak and shouted as rape, rape. Then also she did not regained her conscious fully and all the people gathered there took Kalpana and Tulsi to the police station. At the police station, police wrote something by asking the people gathered there. There from Kalpana and Tulsi

were taken to Civil Hospital. She saw injury on the neck and hands of Kalpana Devi. This witness is declared hostile at this stage.

In the cross-examination by defence she has stated that Sri Dhitiman Chetri lodged an FIR and police interrogated them on the basis of that FIR. Police sent both the unconscious ladies to the hospital.

20. Smti Nirmala Devi is examined as PW10. She has stated in her examination-in-chief that on 24-5-06 at about 2 pm while she was sleeping at home, she heard some crying and coming out from the house she saw Hira Devi was coming crying. Then the villagers asked Hira in her presence and she informed that her mother was lying unconscious state in the field. Hearing it, all of them went to the field and found the mother of Hira Devi and Tulsi Devi were lying in the field in unconscious state. They took both of them to house and thereafter they were sent to the police station. From the police station they were sent to the hospital. At the hospital, from the doctor and Hira Devi they came to know that both of them were raped by Petuwa Das.

In her cross-examination she has stated that she along with Champa Devi, Hira Devi, Premlata Devi and Manoj Chetri lodged the FIR by putting their signatures and then police recorded their statement. Tulsi and Kalpana Devi were sent to Kanaklata Civil Hospital. She was in the hospital for the whole day. She returned home at evening but till then Kalpana and Tulsi were unconscious.

21. One Smti Champa Devi is examined as PW11. She has stated in her examination-in-chief that on 24-5-06 at about 2 pm while she was sitting at home, hearing shouting at the field she rushed to the field and saw Kalpana and Tulsi were lying unconscious state. Seeing the condition of the Kalpana and Tulsi she came to know that they were raped. Then she along with villagers took both of them to the police station and therefrom they were sent to the hospital.

22. Sri Manoj Chetri, son of Kalpana Devi is examined as PW12. He has stated that on 24-5-06 at about 4 pm while he was returning home from school, seeing a gathering at the police station he went there and saw his mother was lying in a bench. Tulsi Devi was also lying in a bench. Her mother was unconscious. His sister Hira Devi said to him by crying that Petuwa Das committed rape on Kalpana Devi and assaulted Tulsi Devi. Seeing the condition of his mother, he took both Tulsi and Kalpana to Kanaklata Civil Hospital and they were accompanied by police. After their admission at civil hospital, he informed the matter to her maternal uncle Bishnu Lal Chetri by telephone. Her maternal uncle came and lodged an FIR on the next day.

23. PW13 is Smti S Mazumdar, the then Judicial Magistrate, 1<sup>st</sup> Class, Tezpur who recorded the statement of Kalpana Devi and Tulsi Devi u/s 164 CrPC. She has exhibited the statement of Kalpana Devi as Ext.5 and the statement of Tulsi Devi as Ext.7.

24. One Rajiv Kafle is examined as PW14. He has stated in his examination-in-chief that on 24-5-06 at about 2 pm he was at home. Hearing some shouting at the paddy field, he along with some other boys rushed to the field and saw Tulsi Devi and Kalpana Devi were carrying by some women in unconscious state. Sher Bahadur was running to chase Petuwa Das. They also followed Petuwa Das but they failed to catch him. Thereafter he heard that both the ladies were taken to police station.

25. The Investigating Officer is examined as PW15. He has confirmed the statement of hostile witness Smti Premlata Devi by saying that Hira Devi by shouting and crying stated before them that her mother Kalpana Devi was raped by Petuwa Das, son of Mohan Das of their village. He has exhibited the statement of Premlata Devi as Ext.14. In his cross-examination he has admitted that he sent the injured persons to the hospital on 24-5-06. He has further stated that he made the GD Entry No 412 on 24-5-06 and GD Entry No.429 on 25-5-06. He has submitted the extract copy of both the GD Entries but did not produce the original. He has further stated that as per Police Manual, the case diary is to be paginated from page 1 to 100 but due to non-availability of Govt. supply he could not make the pagination. He has admitted that he did not send the seized articles for chemical examination.

26. In course of argument, the learned counsel of the defence Mrs D Sinha has submitted that the whole case of the prosecution is concocted

story and the accused person is falsely implicated in this case. The victim i.e PW4 in her statement has clearly stated that she was raped by the accused and before commission of rape, she was dragged holding her both hands to a nearby jungle. She also admitted that as the field was dry, she sustained injury on her both hands and both legs. She also sustained injury on her abdomen, chest and thigh. But the medical evidence has not supported the case of the victim.

27. The learned counsel of the defence has further submitted that on the very date of the occurrence on the basis of the version of the victim, police made a GD Entry which is numbered as GDE No. 412 dtd 24-5-06. The extract copy of the said GD Entry is exhibited by the prosecution as Ext.11 and in that GD Entry, it is mentioned that Smti Kamala Devi and Smti Tulsi Devi coming in a serious condition informed at the police station verbally that on the same day at about 2 pm while they went to a nearby field to tether their cows, Petuwa Das gagged the mouth of Kamala Devi and assaulted her making attempt to commit rape on her. Seeing that occurrence while Tulsi Devi tried to rescue Kamala Devi then Tulsi Devi was also assaulted. Accordingly Kamala Devi and Tulsi were sent to Kanaklata Civil Hospital for their treatment. Therefore, from the statement of the GD Entry, it is clear that it is a case of section 376/511 of IPC or may be a case of section 354 of IPC, but it cannot be a case of 376 of IPC. The victim and the witnesses have exaggerated the case in their evidence. The first

information of the case is GD Entry No 412 dated 24/5/06 and the said GD Entry do not disclose any case of section 376 of IPC.

28. On reply the learned Addl PP Mr KR Adhikari has submitted that according to the I.O, GD Entry No 412 dated 24-5-06 was made on the oral version of the victim and at the time of making the GD Entry, both the victims were in unconscious state. Their mental condition was not stable. Hence, at the time of giving the information, there may be some discrepancies, but the victim Kalpana Devi as well as other eye witness Smti Tulsi Devi who is examined as PW5 have clearly stated that the accused person committed rape on victim Kalpana Devi. In a case of section 376 of IPC, conviction for, can be founded on the testimony of the prosecutrix alone. Minor contradictions or insignificant discrepancies in the statement of the prosecutrix is immaterial. In this case in hand, there may be some minor discrepancies in the evidence of PW4, PW5 and PW6 i.e. the prosecutrix and the eye witnesses but those discrepancies are immaterial. In support of his submission he has referred a case law- **State of Himachal Pradesh versus Asha Ram** reported in **AIR 2006 SC 381** where in it is held that *“The evidence of the prosecutrix is more reliable than that of an injured witness. Even minor contradictions or insignificant discrepancies in the statement of the prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case.”*

29. The learned Additional PP has further submitted that as per opinion of the medical officer, PW1 there is no evidence that suggest

rape. He examined the prosecutrix on 25-4-06 that means one day after the alleged occurrence but the medical evidence is mere an opinion. The victim being a married woman mere absence of sign of recent act of intercourse, by itself, would not discredit her evidence which is otherwise found credible. In support of that he has submitted one case law- **Manash Ali versus State of Assam** reported in **2007(1) GLT 196**.

30. From the above discussions of the above evidences adduced by the prosecution witnesses and also after hearing the argument advanced by the learned counsel of both sides, it is found that the police made a GD Entry No 412 dated 24-5-06 on appearance of the victims at the police station. As per the GD Entry, at that time both the victims are in serious state. According to the GD Entry both the victims informed them verbally that the accused persons gagged the mouth of Kalpana Devi and assaulted her in attempting the commit rape on her and while victim Tulsi Devi tried to rescue her she was also assaulted by the accused. But that GD Entry is made by the I.O and in that GD Entry nowhere the victims put their signatures. Only because of non-mentioning the word of rape in the GD Entry, the evidences adduced by the prosecutrix cannot be thrown away. The victim is examined as PW4 and she is cross-examined by the defence at a length but both in her examination-in-chief and in her statement she has clearly stated that the accused dragged her to a nearby jungle and committed rape on her and when she made hue and cry he assaulted her with a hammer on

her head and as a result she became unconscious. The medical officer, PW3 in his evidence has stated that on 24-5-06 he examined Kalpana Devi and found the following :-

1. Tenderness over the neck
2. Multiple abrasions on the right forearm
3. Nature of injury : simple
4. Weapon : Blunt

That means the medical evidence also supports the evidence of the prosecutrix that as the accused gagged her mouth and dragged her in a dry paddy field she sustained injury on her arms and neck. Regarding the medical evidence in respect of sexual intercourse admittedly the prosecutrix is a married woman and she was examined one day after of the alleged commission of rape. In the case law reported in **2007 (1) GLT 196 (Supra)** it is held that *“the prosecutrix being a married woman mere absence of sign of recent rape or intercourse itself could not discredit her evidence to the said effect, if the same is otherwise acceptable”*. In this case in hand the prosecutrix has clearly stated that she was raped by the accused. There is nothing on the record as to why the prosecutrix made this false allegations against the accused person. Over and above PW5 Tulsi Devi is an eye witness to the occurrence and she has clearly stated that she saw the commission of rape by the accused person on Kalpana Devi and hence, she rushed to the place of occurrence to rescue Kalpana Devi. Then the accused gave a blow on her abdomen and she became unconscious.

PW6 Hira Devi, D/O Kalpana Devi is also an eye witness and she also clearly stated that she saw the accused was torturing her mother. PW7 Sri Sher Bahadur Chetri who arrived at the place of occurrence just after the occurrence has stated that seeing them the accused person fled away. He followed the accused to chase him but he failed as the accused entered into the jungle. The statement of PW6 is corroborated by witness Rajiv Kafle (PW14) that hearing the cry in the paddy field he along with some other boys went to the place of occurrence and saw Sher Bahadur was running to catch Petuwa Das. They also followed them but as they could not chase Petuwa, they returned back.

31. From the above discussions, it is clear that Kalpana Devi and Tulsi Devi were found in unconscious state in the paddy field. They were sent to the police station by the villagers. Accused Petuwa Das was also present at the place of occurrence and seeing the villagers he fled away. Though PW7 and PW14 tried to catch him but they failed as the accused entered into the jungle. On the very date of occurrence the prosecutrix was examined by the medical officer/PW3 who found

tenderness over her neck and multiple abrasion on the right forearm. Though the medical evidence in respect of sexual intercourse is negative yet as the prosecutrix is a married woman and she was examined one day after the occurrence, the negative medical opinion do not destroy the case of the prosecutrix if the same is reliable and acceptable. There is nothing on the record regarding any enmity in between the prosecutrix and the accused.

On the other hand in course of argument the defence has also not denied the alleged occurrence. Only the difference is that according to defence it is not a case of Section 376 IP it may be a case of either Section 376/511 IPC or Section 354 IPC. In a citation **State of Punjab Versus Gurmeet Singh and others reported in (1996) 2SCC 384** it is observed that *“A girl, in a tradition-bound non-permissive society in India, would be extremely reluctant even to admit that any incident which is likely to reflect upon her chastity had occurred, being conscious of the danger of being ostracized by the society or being looked down upon by the society.”* In this case in hand, the woman being a mother of several children and a woman of aged about 50 years never made any statement against anybody reflecting her chastity. PW6 is the daughter of PW4. Being a daughter no one can made such type of statement which reflect the chastity of her mother. Hence, the evidence adduced by PW6 cannot be thrown away. The facts and circumstances of the case will not disclose anything to discard the testimony of the prosecutrix. Furthermore the statement of the prosecutrix is corroborated by eye witness PW5 and PW6.

32. Hence, on the basis of the evidences adduced by PW4, PW5 and PW6 it can be without any hesitation held that the accused person made sexual intercourse with PW4 against her will and consent. Thus the prosecution has been able to prove the presence of both two

ingredients of Section 376 IPC in the case in hand and so the accused is guilty for the offence under Section 376 IPC.

**Point No.1**

33. From the discussions of Point No.2, it is crystal clear that the accused person assaulted both Kalpana Devi and Tulsi Devi for which both of them became unconscious and they were sent to Kanaklata Civil Hospital for medical examination. The medical officer who examined both of them at Kanaklata Civil Hospital is examined as PW3 and according to the medical officer, he found the injuries as follows:-

Tenderness over abdomen and chest of Tulsi Devi and Tenderness over neck and multiple abrasion on the right forearm of Kalpana Devi. Injuries are simple caused by blunt object. Tulsi Devi all along had stated that while she tried to rescue Kalpana Devi, the accused person gave a blow on her abdomen. According to Kalpana Devi her mouth was gagged and the accused dragged her holding her hands. The evidences adduced by Tulsi Devi and Kalpana are supported by medical evidence. Therefore, on the basis of the oral evidence and also the medical evidence, it can be easily held that the prosecution has been able to bring home the guilt of the accused person u/s 323 IPC.

34. Therefore the accused is convicted under Section 376/323 IPC.

35. Considering the nature and gravity of the offence I find that the accused is not entitled for benefit of either Section 360 CrPC or the provisions of The Probation of Offender's Act.

36. Heard the accused on the point of sentence.

37. The accused has submitted that he has his wife, parents and grand-mother at home. He is the only person to maintain them. Hence he has prayed to impose the punishment leniently considering his family burden.

38. Considering the submissions made by the accused person on the point of sentence and also considering the nature and gravity of the offence accused Petuwa Das is sentenced to undergo RI for seven years and to pay a fine of Rs. 1,000/- i/d of payment of fine RI for another three months for the offence committed under Section 376 IPC and RI for one month for the offence committed under Section 323 IPC.

Both the sentences will run concurrently.

The period of jail hajat will be set off under Section 428 CrPC.

Seized articles if any, be destroyed in due course of law.

Furnish a free copy of the judgment to the accused immediately.

Send a copy of the judgment to the District Magistrate, Sonitpur,  
Tezpur under Section 365 CrPC.

Given under my hand and seal of this Court on this 14<sup>th</sup> day of  
February' 2012.

(Smti CR Goswami)  
Addl Sessions Judge (FTC)  
Sonitpur, Tezpur

Dictated & corrected by me :-

( Smti CR Goswami)  
Addl Sessions Judge (FTC)  
Sonitpur, Tezpur

Transcribed and typed by me

Dhrubajyoti Das, Stenographer.  
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Sonitpur, Tezpur