

THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Arunachal Pradesh & Mizoram)

**Main Written Examination, 2014 for direct recruitment to Grade-I of Assam,
Nagaland and Arunachal Pradesh Judicial Service [23-03-2014, Sunday]
(Paper-III)**

Total Marks: 100

Time: 3 hours

**You are expected to refer to the relevant decisions of the apex court and the
High Courts while writing answers.**

CONSTITUTIONAL LAW (Group-A)

Answer any 8 (Eight) questions.

(8X5=40 marks)

- 1) Describe the duties of a Chief Minister in respect of furnishing of information to the Governor.
- 2) What steps are to be taken by the Government regarding safety of female at work place with reference to the directions issued by the Apex Court in Vishakha's case?
- 3) Explain the Fundamental Duties of a citizen of India.
- 4) How can the citizenship of India be terminated? Explain.
- 5) Write short note on: (i) Principle of collective responsibility
(ii) Writ of Certiorari
- 6) Explain the Ordinance making and pardoning powers of the President of India.
- 7) Right to Information is a fundamental right. Explain.
- 8) Directive principles have been given the status of fundamental rights. Comment.
- 9) Describe privileges of the Legislature.

JURISPRUDENCE (Group-B)

Answer any 2 (two) questions.

(10x2 = 20 marks)

- 1) When strict rules come to hardship, equity shall apply. Explain.
- 2) Guarantee of equality before the law is an aspect of the Rule of Law. Explain.
- 3) Enumerate the requisites of a valid custom.
- 4) What is judicial discretion? Explain.
- 5) Delay, laches, acquiescence and waiver disentitles the petitioner for relief. The inordinate delay and laches disentitle a person to obtain relief from the court. Inordinate delay is not merely a factor for the court to refuse appropriate relief but also a relevant consideration not to unsettle the settled things.

JUDGEMENT WRITING

1. **Write a judgment**
(Paper Book enclosed.)

40 marks.

(2)

PAPER BOOK

(S)

PAPER BOOK

(3)

Seen
Sd/-Illegible
C.J.M
~~Seal~~
29.10.05

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

G.R. No. 946/05

1. Dist. Jorhat.....PS.....Jorhat ...Year....2005

.. FIR No 384 Date.....29.10.05

(i) Act.....IPC.. Section... 302

ii) *Act.....x.....Section.....x.....

iii) *Act.....Section.....x.....

iv) *Other Acts & Section.....x.....

3. A) General Dairy Reference : Entry No.....Time.....

B) *Occurrence of offence: *Day... Fri-Day Date 28.10.05 Time

..... not noted

C) Information received Date 29.10.05 Time 1.30 P.M. G.D. No.
at the Police Station:.....

4. Type of Information Written/ Oral.....Written.....

5. Place of occurrence: a) Direction and Distance from P.S.

About 10 K.M. South.

b) *Address.....Gotouja Tea estate Natun Line charaibah, Beat
No.....

c) In case limit of this Police Station, then the name of P.S.

.....District x.....

6. Complainant/ Informant :

a). Name..... Mr Kishore Baruah

b). Father's name ...

C). Date/year of Birth

d). Nationality Indian.....

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

(4)

2

f) Occupation Service.

g) Address... *Gotouja* T.E. P.S. Jorhat.

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

Sri Ashok Tanti
Of Gotouja T.E. Natun Line.
P.S. Jorhat.

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

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

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

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

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

Copy enclosed here with.

13. Action taken: Since the above report reveals commission of offence (s) u/s as mentioned at item No.2 registered the case and took up the investigation/directed : S.I. Utpal Kr. Das.....to take up the investigation/ transferred to P.S.....on point of jurisdiction.

F.I.R. read over to the complaint/ informant, admitted to be correctly recorded and a copy given to the complainant/ informant, free of cost.

Sd/- Dilip Sarmah
Signature of the Officer In – Charge
Police Station with

Name : Dilip Sarmah
Rank : S.I. 50/C
Number if any Jorhat P.S.
Dtd. 29.10.05

Sd/- Kishor Barooah. Age 33 yrs.
Signature/ Thumb impression of the
Complainant/ Informant.

Syl
C/o. Barooah Barooah

Ext. 3
Sd/-Illegible
Addl. Session Judge
Jorhat
10.4.06.

Seen
Sd/- illegible
C.J.M
29.10.05

(5)

EJAHAR
GR NO. 946/05

To

The Officer in Charge
Rowriah Police station

Dear Sir,

There has been a complaint regarding murder, of Smti Labanya Tanti by her husband Shri Ashok Tanti a resident of Natun Line at Gatoonga Tea Estate the resident of the line has approached is to report the matter to police station. We therefore request you to kindly look in to the matter and do the necessary as deemed fit. Thanking you.

Ext 3 (1)
Sd/- illegible
Addl. Sess. Judge
Jorhat
10/4

Yours Faithfully
Sd/- Kishor Barooah
For. Asstt. Register
Gatounga T.E.

The neighbor has reported that they went to work at 7.00 A.M. and while returning from work at 6.00 P.M they heard about the case and came to the Forensic Asstt. Register to inform the police.

Received vide Rowriah of G.D.E. No 540 dtd 28.10.2005 at 10.30. P.M. and forwarded to O/C the P.S. for favor of registering a

(6)

4

case under *proper* Section of Law: I have duly
taken up the investigation of the case.

Ext 3 (2)

Sd/- illegible

28.6.06

Sd/- Utpal Kr. Das

Seal

28.x.05

Received and Registered Jorhat P.S. Case No 384/05 dt. 29. 10.

05. U/s 302 IPC

Sd/- Dilip Sarmah. S.I

Seal

29.10.05

CHARGES WITH/DOCKETHEAD.

(No. 32 (II). Schedule II. 1 Act. of 1974)
(Section 221/212/213 of Code of Criminal Procedure. 1973)

(7)

SESSION CASE NO. 18 (J-J)/06

(1) Name and Office of
Magistrate/

I, (1) Shri S.M. Haque, AJS.,
Addl. Sessions Judge, Jorhat.

(2) Name of the accused

hereby charge you (2) Shri Ashok Tanti @
Patra.
as follows

(3) Date and place

First - That you, on or about (3) 28.10.05

at day time at Gatanga Tea Estate Nangun Line, had
committed murder by intentionally / knowingly
causing the death of your wife Smti. Labanya Tanti,

and thereby

committed an offence punishable under Section 302

of the Indian Penal Code

and within the cognizance of my Court. of
Sessions,

~~Secondly - That you, on or about~~

at

and thereby

~~committed an offence punishable under Section~~

of the

~~and within the cognizance of my Court~~

And I hereby direct that you be tried on the said charge.

Dated the 28th day of March 2006

(Sections 228 (2), 240 (2), 246 (2) of Criminal Procedure Code)

Dated this 28th March/06 the day of

Addl. Sessions Judge,
Jorhat.

The above charge is read over
and explained to the accused to which he
pleaded not guilty.

Signature of the Magistrate

A. G. P. (J.B.) A. S. VIII, F. No. 250-49/2001

(8)

- 6 -

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE JORHAT

G.R. CASE NO. 946/05

STATE

-VS.-

Ashok Patra @ Tanti

COMMITMENT ORDER

Dated : 9.3.06

Accused person Shri Ashok Tanti @ Ashok Patro is produced from Jail Custody.

Copy furnished in compliance with Sec. 207 I.P.C. *See. Dr. P.C.*

Since the alleged offence is U/S. 302 IPC, which is exclusively triable by the Hon'ble Court of Sessions Judge, let the case recorded along with the documents and articles, if any. He committed to the hon'ble court of Sessions Judge, Jorhat.

Notify the learned P.P.

Send back the accused person to the jail custody with a direction to the j-ail authority to produce the accused person before the Hon'ble Session Judge, Jorhat.

Fixed 20.3.06 for production.

Sd/- illegible

6-7- (9)

Assam Schedule VIII Form No..93

High Court Criminal Form No.(M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 1

aged about 56 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me S.M. Haque Addl. Sessions Judge, Jorhat this 10th day of April 06

My name is Sri Siba Tanti.

My father's name is Lt, Ugri Tanti

I am by caste Hindu My house is at Mouza Natun Line

Gangla T.E.

Police Station Jorhat District Jorhat

I reside at present in Mauza Natun Line, Gangla T.E.

Police Station Jorhat District Jorhat

Where I am garden Employee.

On S/A,

Accused Ashok is my son in law (daughter's husband). This accused had married my only daughter Labanya some 2 ½ years prior to her death. They had no issue. The accused was living in my house with daughter Labanya as 'gharjowai' (person residing in his father in law's house- Tr)

The incident took place on 28.10.05. leaving my daughter Labanya and her husband at my house, I left for my duty in there morning. Except for we three, there are no other person at my house. My wife died long before. I have no other child.

In the evening, I returned home from my duty. I found the door closed. I called out my daughter as "Ma, Ma". She did not reply. I saw the door kept tied up from outside. Untying the door, I ~~entered~~ ^{entered} the house. As it was dark I flashed the torch. I saw my daughter lying dead on the floor in the inner room. The house has two rooms. I saw the lower ~~portion~~ ^{of one} of the eyes became red. I saw one pliers ~~lying~~ ^{lying} on the place where she was lying. I raised hue and cry. People came. I do not know whom the public informed. Police came and examined the dead body. Ext. 1 is the inquest report. Ext 1 (1) is my signature. I did not find my son – in – law Ashok. He did not return home. That night police did not find him. Next morning, some village lads found Ashok hiding himself in a school at 'Char' area. They kept him tied up. Police was informed. Police came and took him away. The accused admitted before us that he had committed the crime. The accused did not tell how he had killed Labanya. I heard that he gave a lathi and a black wire to the police. I was not present when he gave those two articles. Police seized those. I put my signature on the seizure list. Ext 2 is the said seizure list. Ext 2 (1) is my signature. M. Ext. ~~Ka~~ is the lathi. M. Ext. kha is the wire.

Xxxxxxxxxxxxxx

Ashok and Labanya had no dispute. I never saw them quarreling. The house of Bhim Rajak, Kemen Turi, Naresh Turi are close to my house. The garden line road runs along the front of our houses. I had another daughter. She eloped with a boy long before Labanya's marriage. The bamboo basket, where paddy is stored in was there in the room where Labanya was lying. Bikram's house is in the back side of my house. Coming back from my duty,

I called my daughter ~~but~~ ^{but} she did not reply when Bikram's 10/12 years old daughter whom we call as matu told that

Labanya might have gone towards garden line. I went to her paternal uncle's house assuming that she might be there upon not finding her there, I came back. There was none when I entered the house by opening the door. The plier, which I had seen, was given to the police. I have not seen that tool in the court today. I do not know what is written in Ext. 1. it was written on 29.10.05. police wrote that one thereafter police took the body for post- mortem examination. Police obtained my signature on Ext 2 on 29.10.05. Some persons from the public also put their signature on Ext.2. I do not know who put their signature. I know the Bihari shop owner, Babulal by name. he has shop on the line Babulal did not visit our house. It is not a fact that Babulal used to come to our house. He is still in our line. He is a married man. He has got children.

It is not true that Labanya had illicit relation with Babulal.

I did not see any injury in Ashok's body when the village lads took him under seizure.

It is not true that his body bore injury. Ashok and Labanya did not work in the garden. This is not true that when public caught Ashok he confessed before the public that on seeing Labanya and Babulal having sex a quarrel broke out between him (Ashok) and Babulal; that in that quarrel Babulal and Labanya injured Ashok by hitting him and that when Babulal ran away he (Ashok), out of rage, killed Labanya.

Sd/- Siva Tanti

R.O. & A.C
Sd/- illegible
10.4.06

(12)

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

FORM FOR RECORDING DEPOSITION

THE DEPOSITION OF P.W. 2

Aged about 34 years taken on oath or solemn affirmation under provision of the Indian Oaths Act X of 1878, before me S.M. Haque, Addl. Sessions Judge, Jorhat this 10th day of April 06

My name is Sri Kishore Baruah

My father's name is Lt. Pragjoyti Baruah

I am by caste Hindu My house is at Mauza Gatanga T.E.

Police Station Jorhat District Jorhat

I reside at present in Mauza Gatanga T.E. Police Station Jorhat

District Jorhat where I am Asstt. Manager (Factory)

Gatonga T.E.

On S/A

On 28.10.05 I was working as the Asstt Manager (Factory) at Gatanga T.E. On that day at about 10.30 A.M. One Smti Bhanti Rajak accompanied by some other women of Natun Line, Gatanga T.E. had verbally informed that one Smti Labanya Tanti was murdered by her husband Sri Ashok Tanti and asked me to inform the matter to police. Accordingly I had informed the police by filing an ejahar. Ext. 3 is the ejahar. Ext.3(1) is my signature here. I had no any personal knowledge about the occurrence. I had sent the F.I.R. to Rowriah O.P. then and there(sic) through Secretary Labour union.

XXXXXXXXXXXX

In my F.I.R. exhibit 3 I had not mentioned the name of the person/ persons who informed me the about the occurrence.

In my F.I.R. exhibit 3 I had not mentioned at what time the
matter was informed to me.

(13)

So the time given by me to be 10.30 a.m. was given from my
memory only. In the F.I.R. a note was given by me that the labourers
had gone to work at 7 a.m. and returning from work at 6 p.m. they
came to know about the occurrence on according came to me to
inform the matter to report to police. I had not put any signature
after (illegible) note.

Sd/- Kishore Baruah

R.O. & A.C

Sd/-illegible

10.4.06

(14)

H
- 12 -

Assam Schedule VIII Form No. 93

High Court Criminal Form No.(M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 3

aged about 32 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me S.M.

Haque Addl. Sessions Judge, Jorhat this 24th day of April 06

My name is Sri Manik Nayak

My father's name is Lt. Bhuban Nayak

I am by caste Hindu My house is at Mouza Oria Line of
Gatowga T.E.

Police Station Jorhat District Jorhat
Gatowga

I reside at present in Mauza Oria Line of, Gatowga T.E.

Police Station Jorhat District Jorhat

Where I am Garden Worker.

On S/A,

I know the accuse4d Ashok Tanti. I knew his wife Lt. Labanya Tanti. I do not remember the day and date etc. of the incident.

I was present when police went in investigation. In my presence when Ashok produced a wire and a lathi from his living house police seized those two articles. Ext 2 is the seizure list. Ext 2 (2) is my signature.

Accused Ashok lived in his father- in - law's house4
as ' Ghar Jowai'. He brought out those two articles from that house.

M. Ext. Ka is the lathi and M. Ext. Kha is the said
were.

(15)

XXXXXXXXXXXXXXXXXXXX

I did not see from which place of the house the
accused produced those articles. Police seized the articles in the
following day of the day of incident. At that time a large number of
people gathered there.

Sd/- Manik Nayak

R.O. & A. C
Sd/- illegible
24.4.06

13 - 14 -

(16)

Assam Schedule VIII Form No. 93

High Court Criminal Form No.(M) 83

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 4

aged about 45 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me S.M.

Haque Addl. Sessions Judge, Jorhat this 24th day of April 06.

My name is Smti Umeshari Karmakar

My father's name is Lakhi Charan Karmakar

I am by caste Hindu My house is at Mouza Gatowga T.E.

Police Station Jorhat District Jorhat

I reside at present in Mauza ^{Halonga} Ganglaga T.E.

Police Station Jorhat District Jorhat

Where I am Garden Employee.

On S/A,

I know accused Ashok. I knew his wife Labanya too.

One Friday, when I was returning from the garden (from my duty) just before the evening, I heard a hue and cry in the house in which Ashok and Labanya used to live I went there and found Labanya dead and her father crying. The neighbors gathered there. Ashok and Labanya lived in Labanya's father's house along with her father.

I did not see how Labanya had died.

XXXXXXXXXXXXXXXXXXXX

Declined.

LTI. Of Umeshari Karmakar

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

THE DEPOSITION of PW-5

aged about 42 years taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1878, before me Shri S.M.Haque, Addl. Sessions Judge, Jorhat this 24th day of April, 2006 of

My name is Dr. Amal Kumar Phukan
My father's name is Sri Bidyadhar Phukan I am
by caste Hindu My house is at Mauza Jorhat
Police Station Jorhat District Jorhat
I reside at present in Mauza Jorhat Police Station Jorhat
District Jorhat where I am Medical & Health Officer No-1,
Jorhat Civil Hospital.

On 29-10-2005

On 29-10-2005 I was working as the Medical & Health Officer No-1 at Jorhat Civil Hospital. On that day I had performed the post-mortem examination over the dead body of Labanya Tanti at 3 P.M. at Jorhat Civil Hospital as produced by Rawriah O.P. In charge with Rowriah O.P. G.D.Entry No. 540 dated 28-10-2005. The dead body was escorted by police constable No. 141 Sri Pabitra Sonowal and by Sri Sita Tanti and Sri Nipam Tanti, the relatives of the deceased who had identified the dead body to me.

The deceased was a Hindu female about 26 years of age.

During post-mortem examination the following injuries were found upon the dead body.

- 1). Bruise 3 c.m. x 3 c.m. lateral to right eyebrow.
- 2). Transverse linear mark in the middle of the neck about 6 c.m. x 2 c.m.

On dissection the subcutaneous tissues shows parchmentisation. Riger-mortis present. Injuries were ante-mortem. Other organs were found healthy.

OPINION

Death due to asphyxia as a result of strangulation.

Parchmentisation means (slightly rubber like in nature.)

CROSS-EXAMINATION : FOR THE ACCUSED

DECLINED

R.O.&.A.C.

Am 24/4/06
Addl. Sessions Judge, Jorhat.

(18)
(18)

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 6

aged about 40 years taken in oath or solemn affirmation under provision of the Indian Oaths Act. X of 1878, before me S M Haqum, Adl. Sessions Judge, Jambh. this 28th day of June 06 of

My name is Sri Utpal Kr. Das

My father's name is Sri Kanak ch. Das

By caste Hindu

My house is at Mauza Hatigoon

Police Station Dispur

District Kamrup

I reside at present in Mauza Hatigoon

Police Station Dispur

District Kamrup

where I am i/e Hatigoon O.P.

Ons/A.

On 28.10.05 at 10-30 p.m. I was working as the I/C of Rowriah Police Outpost. On that day an FIR was received at about 10 P.M. lodged by Sri Kishor Kumar Boruah, the then Factory Asstt. Manager of Gateonga T.E. about the murder of Smt. Labonya Tanti by her husband. The FIR was sent by informant through Garden Chowkider. Upon that FIR, Rowriah O.P. G.D.E. No. 540 dtd. 28.10.05 was made at 10-30 p.m. Exht. 3 is the said FIR and Exht. 3(2) is my signature with note about the G.D. entry dtd. 28.10.05 made upon that FIR. and I had sent the FIR to the concerned Jorhat P.S. for registration of a case and I had taken up investigation. Upon that FIR Jorhat P.S. case No. 384/05 U/S 302 IPC was registered. I had visited the place of occurrence on that night. I had recorded the statement of some witnesses at that night. Due to night I came back keeping the dead body of deceased Smti. Labonya Tanti at the place of occurrence under police guard.

Next day, I had given requisition to depute one

Executive Magistrate for inquest of the dead body. Learned

Executive Magistrate Sri Jadav Saikia had performed the inquest over the dead body in my presence. Exht.1 is the said inquest and Ext.1(2) is the signature of Executive Magistrate, Sri Jadav Saikia whose signature is known to me as I had worked with him in law and order duty. I had sent the dead body of Labonya Tanti to Jorhat Civil hospital for post mortem examination.

I had arrested accused Sri Ashok Patra @ Tanti, the husband of the deceased who had admitted his guilt and had given ^{information} to me that he would produce the incriminating weapon by which he killed his wife and as per his information he had produced one Bamboo lathi and a black wire which I had seized vide Exht.-2 in presence of the witnesses. Exht.2(3) is my signature there. Material Exht.A is the said lathi and material Exht.B is the wire seized by me.

I had recorded the statement of remaining witnesses. Thereafter, I had sent the accused to court on 29.10.05 with the prayer to record his statement U/S 164 Cr.P.C. but later on, it is revealed that the accused had declined to confess. Later on collecting the post-mortem report of the deceased, I had submitted charge sheet against accused Sri Ashok Patra @ Tanti U/S 302 IPC. At the time of arrest some injuries were found in the person of accused Sri Ashok Tanti where he revealed to me that he was beaten by the public and kept him confined by the people from which I had arrested him.

At the time of occurrence accused Sri Ashok Patra @ Tanti was living with his wife Smt. Labonya Tanti in the house of his father-in-law Sri Shivo Tanti since his marriage with Smt. Labonya Tanti and at the time of occurrence the accused was not an Garden Employee of Gatonga Tea Estate. I had prepared sketch map of the place of

cntd...P/3.

R.O.G.A.C.
for 29/10/05

P/3

occurrence. Exht. 4 is the said sketch map and Exht. 4(1) is my signature there. At the time of my first visit to the place of occurrence on the night of 28.10.2005 I had not met the accused there as he had fled away. But on the next day when I had visited the place of occurrence he was found kept confined by the public.

X X X

, 28.10.2005

I could not ascertain from the witnesses at what time Smt. Labonya Tanti was killed on 28.10.2005 as the father of the victim was on duty and in the house of only accused and his wife were there. I had arrived at the place of occurrence on 28.10.05 at 11 p.m. Before receiving FIR no any information about the occurrence was received verbally or over telephone. The endorsement made in the FIR that the labourers had gone to work on that day at 7 a.m. and after returning from work at 6 p.m. they heard about the occurrence for which the informant was informed for lodging a case at Rowrah O.P. on 28.10.05 at 10-30 p.m. was true at the time of filing of FIR.

The seized articles were brought by accused from the bed room of the house of Sri Shive Tanti where the incident was occurred. The seizure witnesses and some other persons were there at the time of said seizure. It is not a fact that the accused Sri Ashok Tanti had never led me upon his information given to me to recover the seized articles.

entd..p/4.

28/10/05
28/10/05
28/10/05

- A - - 18 -

Ex 13

It is not a fact that the seizure witnesses
had not entered into the house at the time of leading
to discovery. The seized articles were not sent for
chemical examination to F.S.L.

R.O. & A.C.

28/6/06
Addl. Sessions Judge,
Jorhat.

Copy in
28/6/06

FORM OF RECORDING EXAMINATION OF ACCUSED

Examination of Accused Person

(Section 364 of the Criminal Procedure Code)

The Examination of Accd Sri Ashok Patra

Aged about 30 years, taken before me S.M. Haque Addl Sess.

Judge, Jorhat

On the 1st day of July 2006 in the

In language, interpreted by

My name is Sri Ashok Patra.

My father's name is Lt. Someswar Patra

I am by caste Uria and by occupation Daily hazira

My home is at Mauza----- Police Station Ghiladhari

District I reside at Jamuguri Bagan.

Qus. P.W. 1 Sri Siba Tanti, who is your father- in- law, has
stated in evidence that you married his daughter Labanya some 2 ¹/₂
years ago and lived in his home as ' Ghar Juwai' (one who lives
in his father in law's house). What do you say?

Ans. Yes.

Qus: P.W. 1 Siba has further stated that at the time of
occurrence Labanya, you and he (PW1) were living in the said
house. What do you say?

Ans: Yes.

Qus: Pw 1 has again stated that at the time of occurrence
you did not work in the garden. What do you say?

Ans: Yes, I occasionally work as day ~~laborer~~ *labourer*.

Qus: Pw 1 has further stated that on the day of occurrence
leaving you and Labanya at home he left for his duty at the garden.
What do you say?

Ans: Yes.

(23)

Qus: He has further stated that returning from the garden that day, he found Labanya a dead in his house but did not find you. What do you say?

Ans: Yes.

Qus: Pw 1 has further stated that the next day, the villagers found you in a L.P. School near the char and took you under seizure and that you admitted before the public that you committed the occurrence. What do you say?

Ans: Yes.

Qus: P.w 1 Siba Tanti, I/O Pw6 and P.W 3 Manik Nayak have stated in evidence that when you produced a lathi and a burnt wire to the police the police seized these two articles by Ext.2. What do you say?

Ans: Yes.

Qus: P.w. 2 Kishore Baruah has stated in evidence that Ext. 3 ejahar was lodged in respect of the said incident. What do you say?

Ans: Yes.

Qus: Pw.1 Pw 3 and Pw 6 have stated in evidence that the seized lathi is exhibited in the court as M.E.Ka and the wire as M.Ext Kha in the court. What do you say?

Ans: I do not know.

Qus: I/O P.W. 6 has stated in evidence that he got the inquest on the dead body conducted by Executive Magistrate and Ext. 1 is the inquest report. What do you say?

Ans: I do not Know.

Qus: P.W. 6 the I/O has stated in evidence that he sent the dead body to the Jorhat Civil Hospital for autopsy. What do you say?

Ans: Yes.

Qus: P.W. 5 the Doctor has stated that conducting post mortem examination on Labanaya's dead body, he found a minor injury near the right eyebrow and in the neck: that examining the injury of the neck, he found the tissues just like rubber; that this position occurs when the neck is squeezed; that Labanaya died of this injury and that the injury is ante mortem. What do you say?

Ans: I do not know.

Qus: Do you have anything to say?

Ans: Before the incident, I went out of the house. After a little while when I returned home, I saw Babulal, the 'Bihari' boy, who has a shop a little distance away from our house, having sex with my wife Labanya. When I charged at him my wife helped him running away. Out of rage, I hit my wife Labanaya with lathi and strangled her with a wire. Thereafter, I ran away and hid myself. Next day, public caught me. I admitted before the public that I had killed Labanya. I told them that I committed the murder as I had seen Labanya having sex with Babulal. I loved Labanaya a lot. We had no issue.

Sd/- Ashok Patra
(Signature of mark of the accused)

Sd/- illegible
1.7.06
(Signature of Magistrate)

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

Sd/- illegible
1.7.06
(Signature of Magistrate)

17
~~20~~

(25)

Assam Schedule VIII, Form No. 99.
High Court Criminal Forms No. (M) 85

Sess. 18 (JJ) 06 U/S 302 IPC
The State- Vs- Ashok Patra

FORM OF RECORDING EXAMINATION OF ACCUSED

Examination of Accused Person

(Section 235 (2) of the Criminal Procedure Code)

The Examination of Ashok Patra

Aged about 29 years, taken before me S.M. Haque

Magistrate of the Class at Addl. Sess. Judge.

On the 20th day of July 2006 in the Assamese

In language, interpreted by Sri S.M. Haque

My name is Sri Ashok Patra.

My father's name is Lt. Someswar Patra

I am by caste Hindu and by occupation Daily wage earner

My home is at Mauza Ghiladhari Police Station Ghiladhari

District Golaghat I reside at Jamuguri Bagan.

Qus. Upon finding sufficient evidence against you in Sess.

Case no 18 (J-J) / 06 you are convicted of (murder) U/S 302 IPC.

Do you have anything to say regarding the punishment?

Ans: I am in the Jail from the next day of the day of
occurrence. I may be given mercy.

Sd/- Ashok Patra
(Signature of mark of the accused)

Sd/- illegible
20.7.06
(Signature of Magistrate)

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

Sd/- illegible
20.7.06
(Signature of Magistrate)

Ext. 111
Sd/-illegible
Addl. Sess. Judge
Jorhat
10.4.06

Seen
Sd/-illegible
8.2.06
C.J.M.

(26)

INQUEST REPORT

Ref: Rowariah O.P. G.D.E. No. 540 dt. 28.10.05

I, ~~S~~ Sri Jadav Saikia, E.M. Jorhat am present here in the house of Sri Siva Tanti of Natun line of Gatonga T.E. Under Rowariah O.P. today 29.10.05 at 11.00 a.m. for inquest of a dead body as per requisition of I/C Rowariah O.P. and order of DM Jorhat

The dead body is found lying inside the bed room of Sri Siva Tanti in a cramped position in one corner. The dead body is of a young woman of 26-28 yrs of age. Deceased is identified as Labanya Tanti(26), W/o Sri Ashok Patra @ Tanti by her father Sri Siva Tanti, 56, S/o Lt. Ugri Tanti as his daughter, who used to reside with him with her husband Ashok after marriage.

As it is very dark inside, inquest could not be done at the spot where dead body is found lying. So it was ordered to bring the dead body out to broad day light after preliminary enquiry of I.O.

Now, I examine the dead body in presence of witness. The deceased is a woman of medium built, hairs black. Eyes are shut. No external injury marks do served on the head and fore head. A bruish mark of 1" x 1' Size just below the right eye is observed where skin appears black. On the neck, a mark of resembling strangulation by rope etc. is seen spreading towards both the sides of neck, up to lower portion of neck. Shallow braish of skin on neck observed. No external injury marks observed on the chest and abdomen. No external injury marks observed on the legs from thighs down to toes.

Both the hands are found intact, and no external injury marks observed.

19-36-

Now, I turn the dead body and examine the back side. No external injury marks observed on rear side of head and neck, back and down to waist. No external injury marks observed on rear side of legs.

From preliminary examination, the cause of death could not be guessed/ found out. So, for ascertaining actual cause of death, the dead body is forwarded to the J.D.S Civil Hospital Jorhat for P.M. examination. The I/C Rowriah O.P will do the needful for getting P.M. E done early.

Witnesses

1. Sd/- Siva Tanti, ⁵⁶~~36~~ yrs
S/o Lt. Ugri Tanti
Gatanga, Natun Line P.S. Jorhat

Ext. 1(1)
Sd/- illegible
10.4

2. Sd/-Nipu Tanti, 20 yrs

3. Sd/- Sri Karuna Tanti
Resident of Barkathani
Tea Estate
Uria line P.S. Sumoni, Golaghat.

Ext. 1(2)
Sd/-illegible
28.6.06

4. Sd/- Sri Benu dhar Tanti, 22 yrs
s/o Sri Mahen Tanti
resident of Uria line P.S. Sumoni
Golaghat

Sd/-illegible
(Jadav Saikia ACS)
E.M. Jorhat
29.10.05

Ext. 2
Sd/-illegible
Addl. Sess. Judge
Jorhat
10.4.06

(28)
Seen
Sd/-illegible
C.J.M.
M.R. No. 306/05 29.10.05.
J.M. P.S. - Date No - 384/05
w/s 302 IPC.

SEIZURE LIST

Ref: Rowariah O.P. G.D.E. No. 540 dt. 28.10.05

In connection with the above reference I S.I. Utpal Kr. Das,
O/C Rowariah police out post have arrived at the house of Siva
Tanti, son of Late Ugri Tanti at Natun line in Khatanga tea estate.
At this house, accused Sri Ashok Patra admits his crime before the
local people and when he shows the following articles which he
used in the murder of his wife. I do hereby seize the same vide this
seizure list in presence of following witnesses.

Place: Siva Tanti's house at Natun line in Khatanga tea estate.

Time : At 10 a.m.

Description of the seized articles

1. One 2 ft 9 inches long green bamboo lathi with 4(four) nodes.
Black strap of a tube is wrapped in one end and a yellow plastic
string is attached to it.
2. One piece of black wire which is about 3 ½ ft long.

Sig. of witness

1. Sd/- Sri Manik Nayak
Uria line, Gatanga tea estate
P.S. Jorhat

Ext. 2(2)
Sd/-illegible
24.4.06

2. Sd/- Sri Bhim Razak
S/o Mohanlal Razak
Natun line Gatanga tea estate

3. Sd/- Siva Tanti
S/o Lt. Ugri Tanti
Natun Line
Gatanga tea estate
P.S. Jorhat

Ext. 2(1)
Sd/- Illegible
Addl. Sess. Judge
Jorhat
10.4

Ext. 2(3)
Sd/-illegible
28.6.06

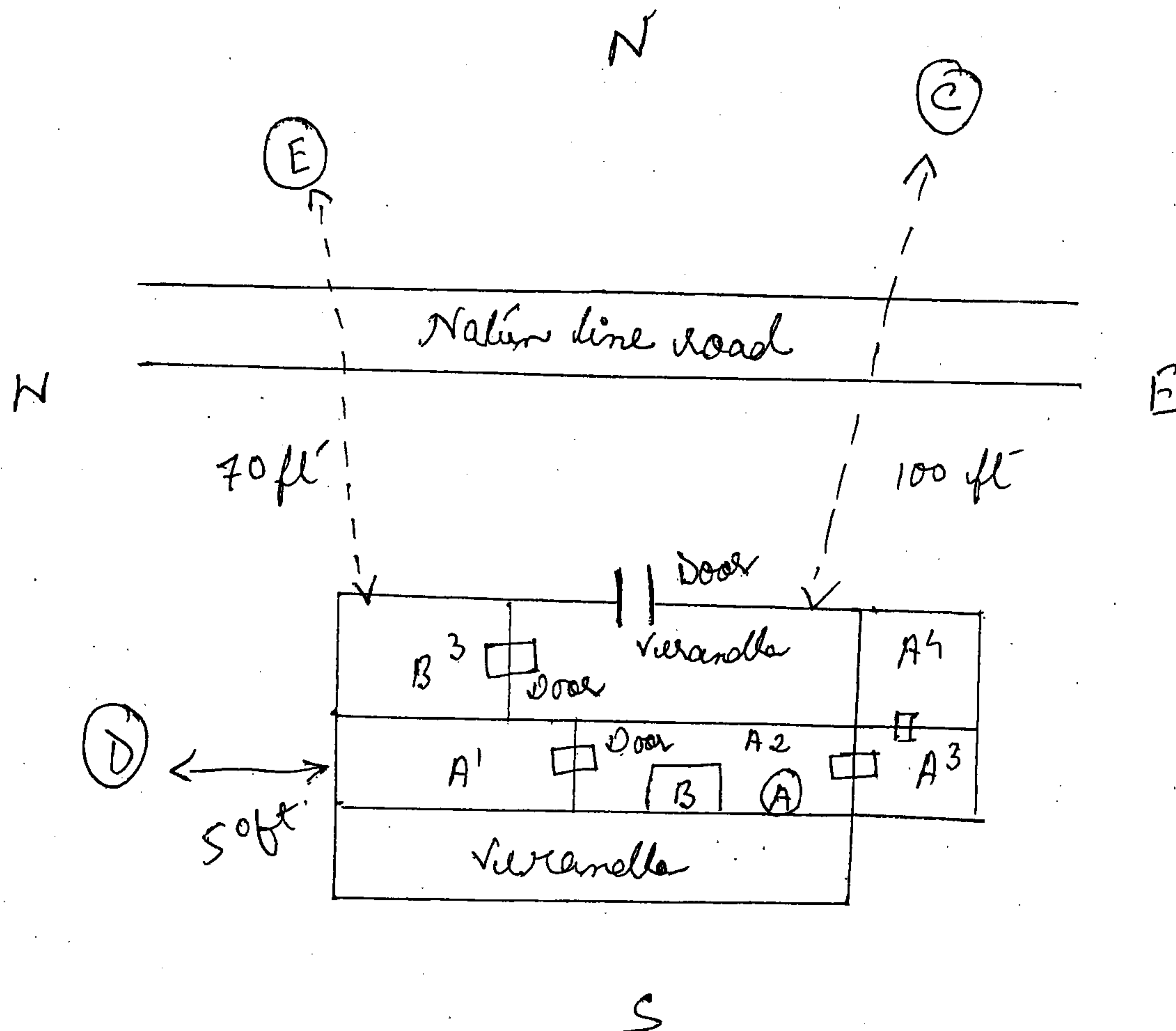
Sd/-illegible
29.11.05
Camp. Natun Line
Gatanga tea estate

Sd/- Sri Ashok Patra

21 ~~28~~ -

Seen
Sd/-Illegible
8.2.06
C.J.M.

Ref: R/... O.P. G.D.E. No. 540 dt. 28.10.05



A indicates the P.O. i.e. the place where Labanya Tanti's dead body is found lying.

A1 A2 A3 indicate two rooms of the house respectively and the bed room of the accused.

A4 indicates kitchen.

B1 indicates the raised platform used for keeping *paddy lane*.

B2 indicates accused persons, ^{bed.} The accd brought out ~~the~~ lathi from under this bed.

B3 place where the wire used in murder, is found lying. The accd shows the wire.

C indicates Bhim Rajak's house closed to the P.O.

D indicates Sri Hemen Mirdha's house situated in the west of the P.O.

E indicates Mohan Karmakar's house at the north of the P.O.

Be it mentioned that the P.O. of the case is about 15 k.m.

South West from the out post.

Ext. 444
Sd/-Illegible
Addl. Sess. Judge
Jorhat
28/6

Sd/-Illegible
SI
29.10.05

(31)

~~23~~

~~40~~

Seen
Sd/-illegible
8.2.06
C.J.M.

Assam Schedule XLIII(Part 1) Form No. 24

POST MORTEM REPORT

Ref: G.D.E. No. 540 dt. 28.10.05 Rowriah O.P.

Station : JDS Civil Hospital Jorhat

Day of :- 29.10.2005

Name, Sex, age

and caste : Labanya Tanti , 26 yrs Female

W/o Sri Ashok Patra

Whence brought

Village and Thana : Gotonga T.E. Natun line
Rowriah O.P.

Name of constable by

whom brought and names

of relatives accompanying : C141 Pabitra Sonowal

Sri Sita Tanti

Sri Nipu Tanti

DATE AND HOUR OF

Despatch : 29.10.2005, 12.30 noon

Arrival at dead house : 29.10.2005

Examination : 29.10.2005 , 3 p.m.

Information furnished by

Police. : As per inquest report.

~~24~~
~~41~~

(32)

By whom identified before

Medical Officer : C/141 Pabitra Sonowal

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

1. EXTRANAL APPERANCE

1. Condition of subject stout

emaciated, decomposed etc. ; Adult woman of about 26 yrs, of age . Rigor mortis present average built.

1. Bruise 3 cm x 3 cm lateral to right eye brow.

2. Transverse linear mark in the middle of the neck about 6cm x 2 cm

On dissection the subsentaneous tissues shows *parchmentation*.

2. Wounds - position, and character.

3. Bruise Position size and nature.

4. Mark of ligature on neck

Dissection, etc.

II. CRANUM AND SPINAL CANAL

1. Scalp, skull, vertebrae : Healthy.

2. Membrane : Healthy

3. Brain and spinal cord : Healthy .

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

III. THORAX

1. Wallis ribs and cartilages : Healthy
2. Pleurae : Healthy
3. Laryax and trach ere : Healthy.
- Right lung : Healthy
- Left lung : Healthy
- Pericar (dium) Healthy.
- Heart : Healthy full on both sides
- Vessels. : Healthy.

IV. ABDOMEN

1. Walls : Healthy
2. Peritonoum : Healthy
3. Mouth, pharyanx, oesophagus : Healthy.
4. Stomach and its contains : Healthy,
5. Small intestine and its contents : Healthy
6. Large intestine and its contents : Healthy
7. Liver : Healthy
8. Spleen : Healthy
9. Kidneys : Healthy.
10. Bladder : Healthy.
11. Organs of generation external
and internal : Healthy. Uterus –Normal size.

- 92 -

V. MUSCLES, BONES AND JOINTS

1. Injury : As described in 1
2. Disease or deformity : Nil
3. Fracture : Nil
5. Dislocation : Nil

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

The injuries one ante mortem in nature.

ASSISTANT SURGEON
 OPINION OF AS TO CAUSE OF DEATH
 SUB - ASSISTANT SURGEON

In my opinion the cause of death is due to asphyxia as a result of strangulation.

Sd/- Dr. Amal kr. Phukan

M 8 H0-1 (deed)

ASISTANT SURGEON OF
 SUB-ASISTANT SURGEION

The 29th day of October 2005

REMARKS BY CIVIL SURGEON

Copy forwarded

Sd/-illegible

(Seal)

22.12.05

The day of

Signed.....

Civil Surgeon of ...

