

20-12-2015  
9.00AM to 12.00PM

**THE GAUHATI HIGH COURT AT GUWAHATI**

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

**MAIN WRITTEN EXAMINATION (2015) FOR DIRECT RECRUITMENT TO GRADE-I  
OF THE ASSAM JUDICIAL SERVICE**

**PAPER-III**

Total marks: 100

Time: 3 hours

**CONSTITUTIONAL LAW**

1. Answer any two of the following: 15 X 2 = 30 marks
- (i) Discuss the object and scope of Article 21 of the Constitution of India.
  - (ii) Discuss the directive principles of state policy.
  - (iii) Discuss power of the Parliament to amend the provisions of the Constitution of India.

**JURISPRUDENCE**

2. Explain any two of the following: 10 X 2 = 20 marks
- (i) Doctrine of *stare decisis*
  - (ii) Mischief Rule
  - (iii) *Mens rea*

**JUDGEMENT WRITING**

50 marks

3. Write a judgement on the basis of the Paper-Book which is enclosed.

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**PAPER - BOOK**

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Assam Schedule XL – A (Part-I), Form No. 137

## FIRST INFORMATION REPORT

G.R. NO. 569/99

First information of a Cognizable Crime reported under Section 154,

Criminal Procedure Code at

Police Station...Dalgaon

SUB-DIVISION. Udaiguri DISTRICT Darrang

Case No. 231/99 Date and hour of occurrence on 4.11.99 at  
about 11.30 p.m.

Date and hour when reported:- 5.11.99 At 4 p.m.

Place of occurrence and

distance and direction from

Police Station :- No. 2 Kacharibhati top  
Mza. East Sialmari  
About 25 k.m East.

Date of despatch from Police

Station :- 6.11.99

**N.B.:** – A first information must be authenticated by the Signature  
mark of thumb impression of informant attested by the  
signature of the office recording.

(1) Name and residence of

Information and complainant :- Sri Makbul Hussain  
S/o Lt. Mainuddin  
No. 2 Kacharibhati top  
P.S. Dalgaon

(2) Name and residence of

accused :- Un known

(3) Brief description of offence

with Section and of property

carried off if any :- U/S 448/302 IPC

(4) Steps taken regarding

investigation explanation of

delay in recording information :

(5) Result of the case :- S.I. Pradip Borah, I/C Silbari O.P.

has already taken up the investigation of

the case.

Sd/-Illegible

5.11.99

Seal

**(FIRST INFORMATION TO BE RECORDED BELOW)**

The written report received from the complt at P.S. through I/C  
Silbori O.P. and treated as FIR which is enclosed herewith.

**Note**—The signature seal or Mark of informant should be affixed at  
foot of the information.

Sd/-Illegible

5.11.99

Seal

Elahar

To,

G.R. NO. 569/99.

The Officer-in-charge,

Sd/- illegible.  
9/11/99.

Silibori Police Outpost.

Dated 5.11.99.

Complainant: Md. Mokbul Hussain

S/O Late Maizuddin

Of Vill:- No. 2 Kacharibhetitop.

P.S. Dalgaon, Dist. Darrang, Assam.

Sir,

Humble submission is that around 11:30 p.m. on 4.11.99 some assailants entered the house of my elder brother's son Md. Azizul Haque by opening the door and killed him by cutting his throat with sharp knife while asleep.

I, therefore, pray that your goodself would be kind enough to take necessary step upon investigating into the occurrence.

Yours faithfully,

Ext. 1 (1)

Sd/- Mokbul Hussain

Vill. No.2 Kacharibhetitop.

17/7/2001

Ext.1

Sd/- illegible

Sess. Judge,

Darrang, Managaldai

17/7/2001

Written the ejahar as stated by the complainant , read it over to  
obtained his signature upon finding it correct.

Written by :

Sd/-Illegible

5.11.99

Received the ejahar and entered vide Silbari O.P. G.D.E. No.  
56 dt. 5.11.99 at 6 30 a.m. and forwarded to O/C Dalgaon P.S. for  
favour registering a case under proper Section of law. I have taken  
up the investigation of the case.

Ext. 1(2)  
Sd/-Illegible  
Sessions Judge  
Darrang  
3.2.03

Sd/-Pradip Barah,SI  
Officer in Charge  
Dalgaon Out Post  
5.11.99

Received and Registered Dalgaon P.S. Case No. 231/99 U/S  
448/302 IPC.

Ext. 1(3)  
Sd/-Illegible  
Sessions Judge  
Darrang  
3.2.03

Sd/-Pradip Barah,SI  
Officer in Charge  
Dalgaon P.S.  
Darrang, Assam  
5.11.99

Assam Schedule VIII, Form No. 247  
High Court Criminal Process No. 32.

CHARGE WITH ONE HEAD

(No. XXVIII (1), Schedule V, Act V. of 1888)

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

Sessions Judge  
Darrang, Mangaldoi

(1) Name and office of Magistrate etc.

(2)

I, Shri H.A. Hazarika, LL.B.,  
Sessions Judge, Darrang,  
Mangaldoi.

(2) Name of accused person.

herby charge you 2)

Md. Abdul Latif

as follows:—

Charge read over  
and explained to the  
accused to which he  
pleaded not guilty  
and claimed trial.

That you on or about the 4th day of November, 1999

day of at about 11.30 P.M. at No. 2 Kacharibheti  
Toop under Dalgaon Police Station committed murder of  
Azizal Haque by intentionally causing his death by  
means of a knife which is a dangerous weapon

(H.A. Hazarika)

Sessions Judge  
Darrang, Mangaldoi

and thereby committed an offence punishable under Section 302

01

(4) My cognizance for the offence of the Court of Session.

The Indian Penal Code and within (4) my cognizance

(5) In Case tried by Magistrate and "by said Court."

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

Dated this day of 198

Dated 16th Feb/2001.

Sessions Judge  
Darrang, Mangaldoi



COMMITTMENT ORDER PASSED BY SRI T. LOHAR JUDICIAL  
MAGISTRATE, 1<sup>ST</sup> CLASS, UDALGURI IN CONNECTION WITH G.R.  
CASE NO. 569/99 U/S 302/448 OF I.P.C. DATED 25.08.2000

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ORDER

25.08.2000: Accused Abdul Latif is present. The copy of the case is ready and furnished to him. The case is u/s 302/448 of IPC and exclusively triable by the Court of Sessions. Hence the case is committed to the Court of the Sessions for trial against the accused person.

Let the entire case record along with its C.D., seized articles, original document, Exhibit etc. if any be forwarded to the Court of the Hon'ble District and Sessions Judge, Darrang at mangaldoi so as to reach the same to the said Hon'ble Court on or before the fixed date.

Accused Abdul Latif has been remaining on bail and with a petition praying for allowing him to remain on the said bail which is allowed with direction to appear before the Court of the Hon'ble District and Sessions Judge, Darrang, Mangaldoi.

Notify the Ld. P.P. Mangaldoi about the commitment of this case to the Court of Sessions.

Fk-25.08.2000

Sd/- (T. Lohar)  
JMFC, Udaiguri.

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

Sess. 103(DM)2000

### FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 1

aged about 73 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me H.A.

Hazarika Mld. ....this...17.7.01

.....day of ..

My name is Md. Moqbul Hussain

My father's name is Lt. Maizuddin SK

I am by caste My house is at Mouza... P/Sialmari

Police Station ... Dalgaon District.... Darrang

I reside at present in mauza ... Police Station.....

District ..... Where I am Cultivator.

On S/A,

I know accused Abdul Latif. Deceased Aizul Hoque was my nephew (elder brother's son). Some one killed Aizul in his own house on 11.5.99. he was killed by cutting his neck. I did not see who killed him. From my house Aizul's house will be about three furlongs away. The occurrence took place at night. After the occurrence my nephew Jahirul went to my house with a run at night and woke me up by shouting. He too became unconscious at my courtyard. Having seen cut wounds in his hand, I went to Jahirul's house immediately. There I found Aizul on a 'chang' ( a raised platform used as bed). His neck was being cut and right hand was broken. His neck was almost cut and there was spilled blood inside the house. In the morning I lodged ejahar Ext. 1 with Silbori Police Out Post. Ext. 1(1) is my signature. police recorded my statement during investigation of the

case. I saw blood in the wearings of Aizul's wife. I did not name anybody in the ejahar. I did not suspect anybody.

XXX (By Mr. G. Ahmed, Advocate).

The name of the wife of deceased Aizul is Halmon. Halmon said that her husband had vomited after his neck had been cut that night. After the occurrence, Jahirul, Halmon and Aizul's mother Jabeda and I stayed in the same house. Jahirul and his mother live in separate house in the same courtyard.

Sd/- Md. Moqbul Hussain.

R.O. & A.C.

Copied by-

Sd/- H.A. Hazarika.

(Sd/- Illegible)

Compared by

18.12.02.

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

Sess. 103(DM)2000

FORM FOR RECORDING DEPOSITION

THE DEPOSITION of P.W. 2

aged about  $2\frac{2}{3}$  years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me H.A. Hazarika Sessions Judge, Darrang, Mld. .... this... 17.7.01  
..... day of ...

My name is Musst. Halima Khatun  
My father's name is Lt. Halimuddin  
I am by caste My house is at Mouza... P/Sialmari  
Police Station ... Dalgaon District... Darrang  
I reside at present in mauza ... Police Station.....  
District ..... Where I am Household widow.  
On S/A,

I know accused Abdul Latif. Deceased Aizul Hoque was my husband. One night about 1 ½ years ago, my husband and I were sleeping inside the house when accused Latif entered our house. He killed my husband by cutting his neck with dao. At that time our baby son was with us. When my baby cried out, I woke up and raised alarm. Then my husband's elder brother Jahirul came to the place of occurrence taking an open lamp in hand. I could recognize accused Abdul Latif when he flashed his torchlight. At the time of occurrence the accused was clad in black shirt and lungi. Blood coming out of my husband's neck stained my wearings. Police examined the dead body at the time of investigation of the case. They interrogated me. I stated before the police what I have stated today.

XXXXXX Cross

P.W. 1 is my husband's paternal uncle. He had come to the place of occurrence after about half an hour. Many other people also came

accompanying him. I told them that accused Latif had killed my husband. At the time of occurrence there had not been open lamp or lamp inside our house. Having heard groaning I could not find out the lamp. I also had not found the matchbox. I told PW-1 and other people that I could recognize the accused in the torchlight. It is not a fact that I did not tell anybody that I could recognize accused Latif in the light of the torchlight. At about 4 p.m., on the day of occurrence, I had had a quarrel with the wife of accused Latif. That very night the accused killed my husband. It is not a fact that I have given false evidence. It is not a fact that I have deposed falsely that I could recognize accused Latif in the flash of torchlight. It is not a fact that I have deposed falsely against accused Latif since I had had a quarrel with his wife that evening; and that I could recognize accused Latif in the flash of the torch light.

RTI of Hallma Khatun

R.O. & A.C.

Copied by-

Sd/- H.A. Hazarika.

( Sd/- Illegible)

Compared by

18.12.02.

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

Sess. 103(DM)2000

### FORM FOR RECORDING DEPOSITION

#### THE DEPOSITION of P.W. 3

aged about 65/67 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me

On this \_\_\_\_\_ day of \_\_\_\_\_, 2000, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_

My name is Musstt. Jabaída Khatun  
My father's name is Lt. Dush Mamud  
I am by caste \_\_\_\_\_ My house is at Mouza... P/Sialmari  
Police Station ... Dalgaon District... Darrang  
I reside at present in mauza ... Police Station.....  
District ..... Where I am Household widow.  
On S/A,

I know accused Abdul Latif. Deceased Aizul Hoque was my son. He was killed about 1 ½ years ago. He was killed at night. I was sleeping in a separate house. I did not see who killed him. My daughter in law Halima later told me the name of Latif. She told me that accused Latif had killed Aizul. She told my eldest son Jahidul too that Latif had killed her husband. I found darkness inside the house. There was no open lamp. I found Aizul resting against Halima's body. The entire place was red with blood. I saw cut injury in Aizul's neck. Police interrogated me during investigation.

XXXXXXXX

There had been darkness inside the house where the occurrence had taken place. Match and lamp had not been found. I had entered their room with an open lamp in hand. P.w. 1 had come later. When P.W. 1 Makbul had come Halima had not told him that the accused had killed Aizul. Halima had told me in the morning that she had recognized accused Latif. P.W. 1 went to thana after I was told about that. I told P.w. 1 what Halima had told P.W. 1.

had gone to thana after that. It is not a fact that Halima had not told me that  
Latif had killed Aizul.

RTI of Jabaida Khatun

R.O. & A.C.

Copied by-  
{ Sd/- Illegible}  
Compared by  
18.12.02.

Sd/- H.A. Hazarika.  
Sessions Judge, Darrang,  
Mangaldoi.

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

Sess. 103(DM)2000

### FORM FOR RECORDING DEPOSITION

#### THE DEPOSITION of P.W. 4

aged about 35/40 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me H.A. Hazarika Sessions Judge, Darrang, Mld. ....this .....day of

My name is Md. Jahurul Hoque  
My father's name is Lt. Alimuddin  
I am by caste My house is at Mouza... P/Sialmari  
Police Station ... Dalgaon District... Darrang  
I reside at present in mauza ... Police Station.....  
District ..... Where I am Cultivator  
On S/A,

I know accused Abdul Latif. Deceased Aizul was my younger brother. He was killed about 1 ½ years ago. When my daughter in law Halima cried out, I went to her house. The inside of the house was dark. Going there I found Aizul resting against Halima's body with his neck being cut. After that I went in a run to uncle Mokbul's house to tell him about the occurrence. (At this stage the witness is declared hostile).

XXXXXXXXXX By P.P.

Police interrogated me. I address the accused as 'mama' (maternal uncle) by village courtesy.

I did not tell the police. "At 11.40 p.m. my brother's wife called me as 'dada' (elder brother) and told me that she was not getting the match stick and that Latif had being running following two men after cutting the neck of my brother Aizul "Police held inquest over the dead body while investigating the incident. Ext. 2 is the inquest report and 2(1) is my signature. The statement that I have given false evidence in order to save



the accused since he is my neighbour, is not true. It is not a fact that I have deposed falsely in order to save the accused since I address him as 'mama'.

XXX By learned defence counsel.

The accused is not related to me. I call him 'mama' by village courtesy. In the morning my paternal uncle PW-1 Mokbul went to Silbori Police Thana to lodge ejahar there.

Sd/- Jahurul Haque.

R.O. & A.C.

Copied by-

[ Sd/- Illegible]

Compared by

18.12.02.

Sd/- H.A. Hazarika.  
Sessions Judge, Darrang,  
Mangaldoi.

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

Sess. 103(DM)2000

### FORM FOR RECORDING DEPOSITION

#### THE DEPOSITION of P.W. 5

aged about 53 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of. 1878, before me H.A. Hazarika Sessions Judge, Darrang, Mld. ....this...12.9.01 of ..

My name is Dr. Bhabani Prasad Khound

My father's name is Lt. P.K. Khound

I am by caste My house is at Mouza... Durandha (sic)

Police Station ... Dispur District.... Kamrup

I reside at present in mauza ... Police Station.....

District ..... Where I am SDM & H.O. C.H. Mangaldoi

On S/A,

On 6.11.99 while I was at Mangaldoi C.H. as S.D.M & H.O. On that day I performed the P.M. examination on the dead body of Azizul Hoque a male aged about 30 on being identified by constable No. 284 Sri Deben Hazarika and Md. Jahurul Haque and Mokbul Hussain, relatives in reference to Silbori O.P. G.D.E. No. 56 dt. 5.11.99 and found as follows:

Eyes and mouth closed. Rigor mortis present.

On careful examination following injuries are found:

No. 1- A cut throat injury rectangular in shape measuring 10 cm x 5 cm up to laryngeal depth injuring trachea and larynx completely and major vessels, nerves and muscles.

The injuries are anti mortem in nature. In my opinion "The cause of death was due to haemorrhage and shock as a result of injuries sustained. Ext. 3 is P.M. Report. Ext. 3 is my signature.

XXX Declined by Ld. Advocate Mr. G. Ahmed,

Sd/- Dr. Bhabani Prasad Khound

R.O. & A.C.

Copied by-

Sd/- H.A. Hazarika.

Compared by {Sd/- Illegible}  
18.12.02.

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

Sess. 103(DM)2000

### FORM FOR RECORDING DEPOSITION

#### THE DEPOSITION of P.W. 6

aged about 29 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me B.C. Medhi, Sessions Judge, Darrang Mtd. ....this 4 ~~4~~ 6.2002  
.....day of ..

My name is Hatem Ali  
My father's name is Akkas Ali  
I am by caste ..... My house is at Mouza... Kacharhatitup  
Police Station ... Dalgaon District... Darrang  
I reside at present in mauza ... Police Station.....  
District ..... Where I am  
On S/A,

I knew Azizul. He was living near my house. Accused Abdul Latif is in the dock today. I know him. He is my co villager. The occurrence took place on 5.11.99. At 11.30 p.m. I heard a hue and cry raised by Azizul's wife and brother. I went there and saw Azizul with his neck being cut. He was dead. I was not told who had killed him. Police arrested accused Abdul Latif after the occurrence. The accused gave a dao to police. But I did not see from where he produced the dao. I saw the dao in the hand of police. They seized the same. Ext. 4 is the seizure list. Ext. 4(1) is my signature. I saw the dao being seized in the village road. They took my signature there.

XXXXXXXXXX By P.P.

My house is to the west of Halimon's house. Halimon, the mother of the deceased and Jahirul had raised hue and cry.

I had been at the place of occurrence till the morning. Nobody told the name of the accused.

Mokbul had come during my presence there and stayed with me at the place of occurrence for the night.

Sd- Hatem Ali

R.O. & A.C.

Copied by-

( Sd/- Illegible)

Sd/- B.C. Mechi

Compared by

18.12.02.

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

Sess. 103(DM)2000

### FORM FOR RECORDING DEPOSITION

#### THE DEPOSITION of P.W. 7

aged about 42 years taken in oath or solemn affirmation under provisions of the Indian Oaths Act. X of 1878, before me B.C. Medhi, S.J on 3.2.03 this.....day of ..

My name is Pradip Bora

My father's name is Keshab Ch. Bora

I am by caste My house is at Mouza...

Police Station ... District.... Dhemaji

I reside at present in mauza ... Police Station.....

District ..... Where I am S.I of Police Cemen Chapari  
O.P. (Jonai P.S.)

On S/A,

On 5.11.99 I was the attached to Silbori Police Out Post within the jurisdiction of Dalgaon thana as Officer in Charge. On receipt of ejahar Ext.1 from Mokbul Hussain that day. I forwarded the same to Dalgaon thana for registering a case. Ext. 1(2) is my signature with note. The O/C of the thana registered a case and gave me the charge of investigation. Ext. 1(3) is the signature of the O/C, Dalgaon Shri Pradeep Baruah with his note there.

During investigation, I inspected the place of occurrence. The place of occurrence was the dwelling house of the deceased Azizul Haque at No.2 Kachari Bhetitop village. I found the body on the bed inside the house of the deceased. I prepared the inquest report. Ext. 2 is inquest report. Ext. 2(2) is my signature.

Holding inquest on the body I found its throat half cut from the front side. The pipe inside had been cut.

I sent the body to Mangaldoi Civil Hospital for P.M. Examination.

Having found Abdul Latif on 7.11.99 in his house, I arrested him. The accused told me that he had killed the deceased with a dao. He agreed to produce the dao. The accused produced the dao that very day from under water of a tank near his house.

I seized the dao. Ext.4 is the seizure list and 4(2) is my signature. Ext.4 (3) is the signature of Abdul Latif which he put on his own in my presence. Ext.5 is the statement of the accused. I myself recorded the same.

I recorded the statement of the witness and collected the Post mortem report.

After completion of investigation I submitted the chargesheet of the case.

I recorded the statement of witness Jahurul haque. He stated before me as under, " At 11:40 p.m. addressing me as "Dada" (Elder brother) my daughter-in-law told me that she was not getting the match stick upon search; that two men and following them Latif had been running away after cutting the throat of my brother Aizul."

XXX

I recorded the statement of PW-Mokbul Hussain at 9:30 a.m. on 5.11.99. I recorded the statement of PW-Hatem Ali that very day. That day also I recorded the statement of <sup>P.W.</sup> Jahirul Haque. PW-Hatem (PW-6) and witness to the seizure list—Nurul Huda, Abdul kasem and Idrish Ali were present when the accused produced the dao.

It is not a fact that Ext.5 is not the statement of the accused. It does not bear the signature of the accused.

Sd/- Shri Pradeep Bora.

S.I.

R.O. & A.C.

Sd/- B.C. Medhi

3.2.03

Sessions Judge, Darrang,  
Mangaldoi.



Assam Schedule VIII Form No. 99

High Court Criminal Forms No. (M)85

FORM OF RECORDING EXAMINATION OF ACCUSED

EXAMINATION OF ACCUSED PERSON

(section 313 of the Criminal Procedure Code)

The examination of Accused

Age about 33 years taken before B.C. Medhi, Sessions Judge  
Magistrate of the .....class at .....on the 19.2.03 .....day  
of ..... in the ..... language, interpreted by.....

My name is Abdul Latif

My father's name is Lt. Jaynal Abedin

I am by caste.....and by occupation Cultivator

My home is at Mauza .... Police Station Dalgaoon

District.....I reside at No. 2 Kacharibhetitop

Q.1: It is out in the evidences adduced by the witnesses that  
at night on 4.11.99 you killed Azizul Haque at Kacharibhetitop. What  
do you say?

Ans. I did not kill him.

Q.2: P.W.2 Halima Khatun has stated in evidence that at the  
time of occurrence she was sleeping with her husband (deceased) in  
the same bed. What do you say?

Ans. I do not know.

Q.3: The same witness has stated in evidence that with her  
own eyes she saw you cut the neck of her husband with a dao.

Ans: The evidence is false.

Q. 4. <sup>This</sup> ~~The~~ witness has further stated in evidence that in the flash of the <sup>Torch</sup> light she could recognize you at the time of occurrence. What do you say?

Ans: The evidence is false.

Q. 5. <sup>P.W.-2 Halima</sup> ~~The witness~~ and PW-1 Mokbul Hussain have stated in evidence that the blood from the deceased stained the wearings of the PW-2. What do you say?

Ans: I do not know.

Q. 6. PW-2 has stated in evidence that you cut the neck of the deceased; and that PW-5 Dr. B.P. Khound found the said cut injury on the body while holding post mortem examination on it. What do you say?

Ans: <sup>I knew</sup> I do not <sup>about</sup> that.

Q. 7. PW-1 Mokbul, PW-3 Jabeda and PW-4 Jahurul have stated ~~that~~ in evidence that they saw cut injury in the neck of the deceased; and that PW-7 S.I. P. Bora mentioned about that while preparing the inquest report. What do you say?

Ans: I do not know.

Q. 8. PW-7 S.I. P. Bora has stated in evidence that you produced the dao with which you had caused the incident, from under water of a tank near your house. What do you say?

Ans: I did not produce the dao.

Q. 9. <sup>has</sup> PW-7 ~~has~~ stated in evidence that he seized said dao by Ext.4, PW-6 Hatem Ali has supported the said statement. What do you say?

Ans: I do not know.

Q.10. In his evidence PW-7 has stated that Ext.4 (3) is your signature in the seizure list Ext. 4. What do you say?

Ans: I do not remember when I put my signature.

Q.11. It is out in evidence that before producing the dao, you had given statement Ext. 5 before PW-7, the Police Officer. What do you say?

Ans: No. I did not make any statement and made any confession.

Q.12. Will <sup>you</sup> say anything in defence?

Ans: In the evening of the day of occurrence a quarrel had taken place between my wife and Halima. I rebuked her. She left after that. I had informed the deceased of the same. On that grudge this case has been filed against me.

Sd/- Abdul Latif.

R.O. & A.C.

Sd/- B.C. Medhi

19.02.03

Sessions Judge, Darrang,  
Mangaldol.

Sd/- Abdul Latif

Signature & mark of the Accused

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

Signature of the Magistrate

Copied by- Sd/- Illegible  
13.06.03  
Compared by- Sd/- Illegible  
13.06.03

Sd/- B.C. Medhi  
19.02.03,  
Sessions Judge, Darrang,  
Mangaldoi.

Certified to be true copy

Sd/- Shri Megho Ram Bora

17.06.03

Sheristadar,

District & Sessions Judge,

Darrang, Mangaldoi.

Assam Schedule VIII Form No. 99

High Court Criminal Forms No. (M)85

FORM OF RECORDING EXAMINATION OF ACCUSED ON SENTENCE

EXAMINATION OF ACCUSED PERSON

(section 313 of the Criminal Procedure Code)

The examination of *Accused*.

Age about 33 years taken before B.C. Medhi, Sessions Judge

Mangaldoi, of the .....class at .....on the 4.4.03

.....day of ..... in the ..... language, interpreted by

My name is Abdul Latif

My father's name is Late Jaynal Abedin

I am by caste.....and by occupation Cultivator

My home is at Mauza ... ..Police Station Daigaon

District.....Darrang .....I reside at No. 2 Kacharibhetitop

Q. You have been convicted since the case filed against you has been established. What do you say regarding the jail term or fine to be imposed on you?

Ans. I have my wife and four children. I maintain them with my labour. I am illiterate. I pray to be excused.

Sd/- Abdul Latif

Signature & Mark of the accused

Sd/- B.C. Medhi

Sessions Judge

Darrang, Mangaldoi

Signature of the 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.

Signature of the Magistrate

Copied by- Sd/- Illegible  
13.06.03  
Compared by- Sd/- Illegible  
13.06.03

Sd/- B.C. Medhi  
19.02.03.03  
Sessions Judge, Darrang,  
Mangaldoi.

Certified to be true copy  
Sd/- Shri Megho Ram Bora  
17.06.03  
Sheristadar,  
District & Sessions Judge,  
Darrang, Mangaldoi.

Ext. 2  
Sd/-Illegible  
Sessions Judge  
Mongaodoi

INQUEST REPORT

Ref: Silbori Police O.P. G.D.E. No. 56 dt. 5.11.91

I, Shri Pradeep Borah, S.I. O/C Silbori Police Station along with my staff, hereby arrive at Kacharibhetitop Gaon, the place of occurrence, and hold inquest over the dead body of Azizul Haque upon its identification by Md. Jaharul Haque, the elder brother of the deceased and S/o Lt. Alimuddin in presence of the witness as follows:

The deceased is a male of 30 years. The deceased is found lying supine on a bamboo bedstead which is in the northern side of a thatched house. The house is standing in North South direction in the eastern side of the compound of the deceased. The body is lying with its head to the west.

The neck of the deceased is found half cut from the front side. The throat of the deceased is also found severed and smeared with blood. The body of the deceased is found half covered with a 'ketha' (a hand <sup>SIC</sup>women cloth used as bed cover). The wearings of the deceased consist of full sleeved vest. Which is found soaked in blood. Hairs of the deceased is black and is one inch long. Eyes are half closed. Mouth is closed. Nose is in normal condition. Now the 'ketha' is removed and the deceased is found clad in a white checked lungi and the same is smeared with blood. Hands are lying parallel to the body. The left leg is found slightly bent to the north. Hands are found normal and half fisted. Removing the clothes now the deceased is examined turning it over and over again and no

other injury is found in his body. The penis and anus of the deceased are normal. Both the legs are in normal condition. The right leg is lying straight. Although it is known that the deceased died of the injuries sustained, yet in order to ascertain the actual cause of death, steps are being taken to send the body to Mangaldoi Civil Hospital for P.M. examination and do hereby complete the inquest in presence of the witnesses.

Sd/-Pradeep Bora, SI

Silbori O.P.

**Witnesses**

5.11.99

- |                                 |                                |
|---------------------------------|--------------------------------|
| 1. Sd/-Nazrul Haque             | Ext. 2(2)                      |
| No. 1 Kacharibhetitop           | Sd/-Illegible                  |
| S/o Lt. Alimuddin               | 3-2-03<br>S. Judge, Mangaldoi  |
| 2. Sd/- Abdul Kasem             | Ext. 2( 1 )                    |
| S/o Lt. Yusuf Ali               | SD/-Illegible                  |
| No. 1 Kacharibhetitop           | 17-7-01<br>S. Judge, Mangaldoi |
| 3. Sd/- BAsiruddin              |                                |
| S/o Lt. (illegible)             |                                |
| 4. Sd/- Abdul (illegible)       |                                |
| No. Kacharibhetitop             |                                |
| All are within the jurisdiction |                                |
| Of Dalgan thana                 |                                |
| 5. Sd/-Illegible                |                                |



-30-

Ex. 3  
Sd/-Illegible  
12-9-2001

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

## POST MORTEM REPORT

Station : Mangaldoi Civil Hospital

Day of : 6<sup>th</sup> Nov/99

Ref : Silbari O.P. G.D.E No. 56 dtd. 5-11-99

Name, Sex, age and caste : Md. Azizul Haque

Age about 30 years, Caste Muslim

Whence brought

Village and Thana : no 2 Kacheri bheti Top P.S Dalgaon

Name of constable by

whom brought and names

of relatives accompanying : C/284 Deben Hazarika

Md Jaharul Haque

Md Makrul Hussain

## DATE AND HOUR OF

Despatch : 5-11-99 at 12.30 p.m

Arrival at dead house : 6-11-.2001 at 10.00 a.m.

Examination : 6-11-.2001 at 12 M.D .

Information furnished by

Police. : As per inquest report. and dead body challan

By whom identified before

Medical Officer : by Constable and relatives.

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. : dead body of a male aged about 30. yrs with

eyes and mouth closed.. Rigomortis present .

on careful examination the following injuries, are found on his person

A cut throat injury rectangular in shape 10cm x 5cm up to laryngeal depth injuring <sup>completely</sup> trachea, <sup>completely</sup> larynx <sup>completely</sup> contuse and major vessels, nerve muscles.

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. Walls ribs and cartilages : Healthy

2. Pleurae : Congested.

3. Larynx and trachea : as described.

Right lung : Congested

Left lung : Congested

Pericardium : Healthy.

Heart : empty

Vessels : pale

## IV. ABDOMEN

1. Walls : Healthy

2. Peritoneum : Healthy.

3. Mouth, pharynx, oesophagus : Healthy.

5. Stomach and its contents : Contain undigested food particles.

5. Small intestine and its contents : distended with gas

6. Large intestine and its contents : distended with gas and contains faecal matter.

- |   |           |
|---|-----------|
| 7. Liver  | Healthy   |
| 8. Spleen   | Healthy   |
| 9. Kidneys  | Healthy.  |
| 10. Bladder                                       | Empty     |
| 11. Organs of generation external<br>and internal | : intact. |

**V. MUSCLES, BONES AND JOINTS**

- |                         |                 |
|-------------------------|-----------------|
| 1. Injury               | : as described  |
| 2. Disease or deformity | : as described  |
| 3. Fracture             | : as described. |
| 5. Dislocation          | as described    |

***MORE DETAILED DESCRIPTION OF INJURY OR DISEASE***

The injuries are anti mortem in nature

Age of injuries -24-48 hrs

**ASSISTANT SURGEON**

OPINION OF .....AS TO CAUSE OF DEATH

**SUB - ASISTANT SURGEON**

In my opinion the cause of death is due to hemorrhage and shock as a result of injuries sustained .

Ext. 3(1)

Sd/-illegible

Sd/-Illegible

Seal

12-9-2001

ASISTANT SURGEON OF

Civil Hospital

The 6<sup>th</sup> day of nov/1999

**REMARKS BY CIVIL SURGEON**

I agree

Sd/-Illegible

11-12-99

The day of

Signed.....

Civil Surgeon of . .

Copy of Seizure List:

Ref: Dalgaon P.S. C/ No. 231/94

U/S 448/302 IPC.

I, S.I. P. Bora I/C Silbori O.P. do hereby seize the following articles in conn with above noted case which was recovered on being led by acood Md. Abdul Latif S/O Lt. Jainal Abedin of No. 11 Kacharibhetitop P.S. Dalgaon. The seizure is made in presence at below seized wits.

Name of seizure:

1. A curved dao with wooden handle. The dao is about  $1\frac{1}{2}$  ft. long with its handle.

Wits:

1. Sd/- Md. Nurul Huda  
S/O Late Rajab Ali  
VIII. Kacharibhetitop.
2. Sd/- Md. Abdul Kasem  
S/O Late Yusuf Ali Munchi
3. Sd/- Md. Hatem Ali  
S/O Md. Akkas Ali  
VIII. No.2 Kacharibhetitop.
4. Sd/- Md. Idrish Ali  
S/O Late Iman Ali

Est. 4(2).  
Illegible  
Sessions Judge  
Darrang

Sd/- Pradeep Bora, S.I.,  
I/C Silbori O.P.  
e/ No.3 kacharibhetitop  
P.S. Dalgaon  
Dt. 7.11.99.

Exhibit-5  
Sd/- Illegible  
Sessions Judge, Darrang  
3/2/03

Dated: 3.02.3003

Statement u/s 161 Cr.P.C. forwarded herewith

Md. Abdul Latif

S/o Late Joinal Abedin

Vill. No. 2 Kacharibhetitop

P.S. Dalgaoon.

My name and address are same as stated above. On being asked I say that I killed Aizul Hoque is true. As he has illicit relation with my wife, I killed Aizul Hoque by cutting throat with a Dao while he was sleeping in his room entering into his room by opening door. Thereafter I have kept the said Dao in a pond nearby my house. There was nobody with me in this incident and I can find out the said Dao.

Note: Abdul Latif has confessed this murder in front of me. Along with this he said that he can show the said Dao by which he killed. Therefore I have gone and tried to rescue the said Dao with him. Now I have started to No. 1 Kacharibhetitop village along with my colleagues and the accused.

Ext. 6  
Sd/- Illegible  
Sessions judge  
Darrang  
3-2-03

CHARGE SHEET

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

District: Darrangi Charge sheet No. 7/2000 Dtd. 9.2.2000  
Police Station Dalgaon in First Information No. 231/99 Dtd. 5-11-99

Name, address & occupation of COMPLAINANT

1

Md Mokbul Hussain

S/o Moizuddin <sup>bheta</sup>  
Vill.no 2 Kachari top.

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

[Show absconders in red ink]

1. Jamir Ali 2. Nur Jamal

2

Names and addresses of accused persons sent up for trial

In custody

On bail or recognizance

3

4

Md Abdul Latif

S/o Lt Joynal Abedin

Vill no 2 Kacheri bheta Top P.S Dalgaon

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

5

MR.No64/1999

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

6

1. Md Mokbul Hussain S/o Lt Moizuddin,
2. Musstt Halima Khatun W/o Lt Izul Haque
3. Md Jahrul Hoque S/o Lt Halimuddin
4. Jabeda Khatun W/o Lt Halimuddin
5. Md Hatem Ali S/o Akkas Ali
6. Md Mofiz Uddin S/o Md Abdul Hamid

All are residents of Vill no 2 Kacheri bheta Top P.S Dalgaon

7. Dr B P Mout, M & H.O, Mangaldai Civil Hospital
8. S I Pradip Borah I/C O.C.Silbori P.S

7. Charge & information, nature of offence and circumstances

The brief story of the charge sheet is that on 5.11.99, in the morning Md. Mokbul Hussain, S/o Lt. Moizuddin of village Kacharibhetitop lodged and FIR stating interalia that on 4.11.99 at about 11.30 p.m. some unknown miscreants have killed my nephew by dagger by opening the door of his house and accordingly the same is investigated vide Dalgaon P.S. Case No. 231/99 U/S 448/302 IPC.

During investigation statements are taken with witnesses one was seized and from Post Mortem report it is seen that the case U/S 302 IPC is well established against the arrested person Abdul Latif S/o Lt. Joynal Abedin of village No. 2 Kacharibhetitop and hence charge sheet is filed against him. During investigation, the arrested person (1) Md. Jamir Ali, S/o Ab. Razzak , (2) Md. Nur Zamal were given final report.

Seizure list is annexed herewith. Witness of Ext. 6(1) will prove the case.

Ext. 6(1)  
Sd/-Illegible  
Sessions Judge  
Darrang  
3.2.03

Sd/-Pradip Bora  
S.I of Police  
I/O, Silbori Police O.P.

Forwarded to S.D.J.M (Sadar) submitting the case in C.S. U/S 448/302 IPC against the arrested accused.

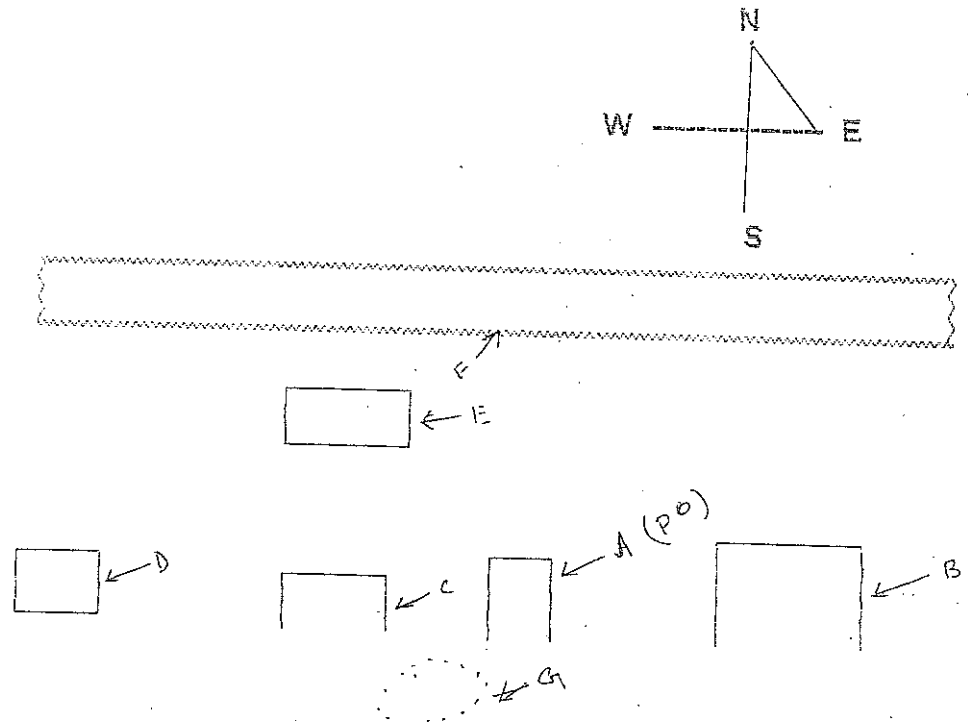
SD/-Illegible

Officer in charge

Dalgaon P.S.

Darrang, Assam

3.3.2000



SKETCH MAP OF PLACE OF OCCURANCE

1. A - Place of occurrence i.e. House of Aizul Hoque
2. B- House of Hofizuddin Ahmed situated on the eastern side of place of occurrence.
3. C- Dwelling house of Md. Joherul Hoque, elder brother of deceased Aizul Hoque.
4. D- Md. Hatem Ali
5. E- Dwelling house of Mustt. Jabeda Khatoon
6. F- Village path passing through the village towards No. 2 Kacharibeti top.
7. G- Courtyard of backside of the house of deceased.

Prepared by

Sd/- illegible

5.11.99