

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, MORIGAON, ASSAM

G.R. CASE NO.219/2016

State

Vs.

**Md. Mubarak Ali
Son of Md. Jainuddin
Resident of village- Bohapahar
P.S.- Mayong,
District- Morigaon, Assam**

Present: Sri N.K. Das, AJS
Chief Judicial Magistrate, Morigaon

For the state: Mrs. A. Kakati, Asstt. P.P.

For the defense: Sri U.C. Roy and Ms. T. Das, Advocates

Charge framed: u/s 380 of IPC

Evidence recorded on: 12-4-2016, 1-6-2016, 19-9-2016, 20-10-2016
and 13-9-2018

Statement of defense recorded on: 20-4-2019

Argument heard on: 13-5-2019 & 27-5-2019

Judgment delivered on: 3-6-2019

JUDGMENT

1. The prosecution case in brief is that one Sri Bhupen Deka lodged an ejarah in the Mayong police station on 2-2-2016 against the accused Md. Mubarak Ali alleging therein that on 2-2-2016 (Tuesday) at about 12.30 a.m., when the aforementioned accused tried to enter the house of the aforementioned informant after opening a door, the informant became aware of the same and started to scream. Thereafter, with the help of his neighbours caught the accused red handed. On questioning the accused, he came to know that before entering the house of the informant, the accused committed theft of three water pumps from the houses of Sri Dinesh Deka, Sri Krishna Deka and Sri Santiram Deka, who were residents of the same village where the informant resided and the accused hid the water pumps under a culvert of a road. Thereafter, with the help of police of Mayong police station, the water pumps were recovered and along with the water pumps, the thief was handed over to police by the local villagers.

2. The ejahar was received in the Mayong police station on 2-2-2016 and a Mayong police station case No.16/2016 under section 380 of IPC was registered and one assistant sub inspector of police Sri Kuladhar Nath was assigned to take up the preliminary steps of the investigation and sub inspector of police Md. Akbar Ali, who was the Officer-in-Charge of the said police station, decided to complete the investigation himself.

3. During investigation, the accused Md. Mubarak Ali was produced before the court under arrest on 3-2-2016 and he was remanded to jail hajot and from the said date i.e. from 3-2-2016 to 1-4-2016 the accused remained in judicial custody. On completion of investigation police submitted charge sheet against the accused Md. Mubarak Ali under section 380 IPC.

4. On appearance before court copies of all relevant documents were furnished to the accused under section 207 CrPC. After hearing both sides, after perusing case record and on prima facie materials of offence under section 380 IPC being found against the above mentioned accused person, formal charge under section 380 IPC was framed, which was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

5. Prosecution in support of its case examined 8 (eight) witnesses namely Sri Bhupen Deka, Ms. Nipamoni Deka, Sri Dipen Deka, Sri Moni Deka, Sri Krishna Deka, Sri Santiram Deka, Sri Dinesh Deka and A.S.I. Sri Kuladhar Nath, as PW-1, PW-2, PW-3, PW-4, PW-5, PW-6, PW-7 and PW-8, respectively. Another witness namely S.I. Md. Akbar Ali, who was the Officer-in-Charge of the Mayong police station and who completed the investigation and submitted the charge sheet, was examined as a court witness (CW-1) as his evidence was deemed necessary for a just decision of the case. Prosecution also exhibited 5 (five) documents including the ejahar and the charge sheet. While under examination under section 313 CrPC, the accused person denied committing of the theft and entering the house of the informant but admitted, amongst others, that he was caught by public and was handed over with the water pumps to the police. Defence refused to adduce any evidence.

6. I have heard the arguments of Mrs. Alakananda Kakati, learned Addl. P.P. as well as Mr. Umesh Chandra Roy, assisted by Miss Tulsi Das, learned defence

counsels, perused the case record and considered the same. The following point for determination is formulated:

- i. Whether the accused person, on or about 2-2-2016, about 12.30 a.m., at village Bahaunnatpara, under Mayong police station of Morigaon district, committed theft of 3 (three) water pumps from the house of Sri Dinesh Deka, Sri Krishna Deka and Sri Shantiram Deka and also entered into the house of the Sri Bhupen Deka in order to commit theft and thereby committed an offence punishable under section 380 of IPC?

Discussion of evidence, decision and reasons therefor:

7. The informant Sri Bhupen Deka deposed before the court as PW-1. His ejahar is proved as exhibit-1 wherein his signature is proved as exhibit-1(1). We have already noticed the contents of the ejahar. The said PW-1 in his deposition before the court stated that he knows the accused person and the occurrence took place at night, at around 12.00 a.m./1.00 a.m. at his house. He has a house with two rooms granted by the Government and at the back verandah he constructed a kitchen with a bamboo door. According to him, the accused cut the bamboo door and entered his house and was touching his daughter Ms. Nipamoni Deka while she was asleep. His daughter screamed saying "*Deuta Morilu* " which in common parlance implies a cry for help to his father.

8. At that time he (PW-1) got up and saw the accused running away. He chased the accused who run through the paddy field. He run up to one kilometer at the back and suddenly the accused came back and pierced PW-1 with something at the back, which the said PW thought was a pointed bamboo stick. There was a scuffle between PW-1 and the accused. At that time local villagers came along with his two brothers Anil and Jiten. They caught the accused and brought him. The said PW had to take treatment for his injury. He handed the accused over to the villagers who handed him to police. The said PW further deposed that when questioned, the accused told that he was searching for the gold chain of his daughter and prior to that the accused took away pumps of two persons which were handed over to them. According to the said PW, those pumps belonged to Hasti Deka, Dinesh Deka

and Krishna Medhi. It is also indicated by the PW that motors were also handed over to police.

9. From the deposition of the said PW-1 we have noticed that he has corroborated his ejahar (Exhibit-1) in all material particulars. Though PW-1 was cross-examined; however, nothing could be elicited from him to indicate that he has deposed falsely before the court. Rather it was reiterated in his cross-examination that his brothers went after him after 5/10 minutes and after about 20/25 minutes local villagers came to his house. He also reiterated in his cross-examination that police saw the door cut by the accused. It was also reiterated by him that he had to take treatment at his house. Though the said PW revealed in his cross-examination that he did not see the accused committing theft of the motors; however, the said fact does not go to demolish his version of the incident. As from the ejahar also, it is seen that the theft of the water pumps by the accused was revealed by the accused himself when questioned.

10. When PW-1 stated that he did not see the accused committing theft of the motors, the said PW in fact told the truth which is in conformity with the ejahar itself. Though, from the first sentence of the ejahar (exhibit-1) it appeared that the accused was only trying to enter the house after opening the door when PW-1 screamed, but, the fact that the accused entered the house is clearly indicated by the informant when he wrote in the second sentence of his ejahar that when questioned the accused revealed that before entering his house, the accused committed theft of three water pumps from three houses and kept them hidden in a culvert. Therefore, when the said PW deposed in court that the accused entered his house and was touching his daughter, the PW was not exaggerating the facts regarding entry of the accused in to his house.

11. PW-2 Ms. Nipamoni Deka is the daughter of the informant i.e. PW-1. She also corroborated the version given by her father in its entirety. According to her also, the occurrence took place at around 1.00 a.m. at her house. The accused entered her house through the back bamboo door. According to her, the door of the house from inside was not closed. By corroborating the version given by her father, she also stated that the accused caught her throat and when she screamed by

saying "Oh Ma Morilu", which also normally understood as a cry for help to the mother, her father came and saw the accused, chased him and caught him at the paddy field. According to her also, local villagers also came. These sequence of events as narrated by the PW-2 goes to corroborate PW-1 in its entirety. PW-2 also indicated that the accused handed over three water pumps to villagers and the accused said that he was searching for chain on her neck. By corroborating the treatment taken by her father, she also stated that her father sustained injuries on his back for which he had to take treatment.

12. While under cross-examination, PW-2 indicated that her father was sleeping in a different room and it was dark. Except those two statements, there is nothing in her cross-examination to indicate that what she deposed in her examination in chief is false or concocted. She also confirmed that the accused was handed over to police by the local villagers.

13. PW-3 Sri Dipen Deka, PW-4 Sri Moni Deka, PW-5 Sri Krishna Deka, PW-6 Sri Santiram Deka and PW-7 Sri Dinesh Deka have independently corroborated the version given by the PW-1 and PW-2 in all material particulars. These five witnesses are independent witnesses who were present at the scene at the relevant time.

14. PW-3 Sri Dipen Deka, amongst other corroborating statements, stated that on hearing the commotion, he went to the place of occurrence and saw that the thief was caught by the villagers. According to him also, the accused revealed that the accused committed theft of three water pumps. His cross examination did not reveal anything beneficial to the accused.

15. PW-4 Sri Moni Deka, amongst others, stated that he heard a commotion, went to the house of the informant and saw that the informant was chasing the thief. He, along with others, went after the informant, caught the accused and brought him to the house of the informant. According to him also, the accused revealed that the accused committed theft of three water pumps which were recovered. PW-4 is a witness, who also chased the accused after the complainant and saw that the accused was caught and brought to the house of PW-1. It was also reiterated by the said PW-4, while under cross-examination, that he chased the accused along with Golap, Bipul and 30/40 other people.

16. PW-5 Sri Krishna Deka, amongst others, stated that on hearing the commotion at the house of the informant, which is situated at a distance of about 100 meters, he, along with his wife, went there and saw that the accused was caught by the villagers. According to him also, the accused revealed that the accused committed theft of three water pumps earlier, out of which two were recovered from hill and one was recovered from near his house. He reiterated in his cross examination that he had seen the accused when caught.

17. Likewise PW-6 Sri Santiram Deka, amongst others, stated that on hearing the commotion he went to the house of the informant, saw many people and also saw that the accused was tied up in the courtyard of the house of the informant. According to him also the accused stated to him and others that the accused committed theft of three motors and that he kept two motors near the path which goes up to the mountain near the hill and one of the motors was kept in a different place. While under cross examination, he stated that the motors were given to the police station. Though he indicated that the accused did not confessed his guilt before him, however, the fact that the accused told him and others about the commission of theft of three motors remained unassailed.

18. PW-7 Sri Dinesh Deka, amongst others, stated that on hearing the commotion at the house of the complainant he went to his house and saw that the villagers tied the accused at the courtyard of the complainant. According to him also the accused stated that the accused committed theft of three motors which are kept in the mountain. He further stated that villagers went to the mountain and brought two motors and another motor was found nearby in the jungle. Out of the two motors found in the mountain one belonged to him. The cross-examination of PW-7 also does not reveal anything except the fact that the said PW indicated that he did not see the accused committing theft of motors. However, it is sufficiently proved that the motors were recovered at the instance of the accused himself when he revealed to the villagers immediately after being caught that he committed theft of three motors. Therefore, his revelation sufficiently proved that the said motors were stolen none other than by the accused himself.

19. PW-8 ASI Sri Kuladhar Nath is one of the two investigating officers, who stated that when he, along with his staff, went to the place of occurrence at about

11.30 p.m., he found that the accused Md. Mubarak Ali was tied by public in the courtyard of the complainant and people were assaulting him. We may indicate herein that most the PWs indicated that the accused was tied by public in the courtyard of the house of the complainant. PW-8 also reiterated that the complainant told him that the accused entered his house through back door and caught the mouth of his daughter and when his daughter shouted, the accused ran away through the back door. There is a slight variation in his statement regarding neck of the daughter of the complainant, which is described as mouth by PW-8. The variation is minor and insignificant. Likewise the time of arrival by PW-8 at the place of occurrence also appear to be a normal variation.

20. The statements made to PW-8 by PW-1 was immediately after the occurrence. Therefore, as stated by PW-8, the deposition given by PW-1 in court did not vary from the statements made by him before the investigating officer immediately after the occurrence. It was also revealed by PW-8 that the complainant chased the accused and caught him in the paddy field with the help of villagers. Therefore, the deposition of the PW-8 further corroborates the statement given by the other PWs regarding sequence of events in which the accused was caught red handed. The recovery of the three water pumps is also confirmed by PW-8 when he stated that the accused confessed before public that the accused committed theft of three water pumps and kept them hidden in the hill. The said PW-8, along with other villagers, went to the hill and recovered the three water pumps and seized the same vide seizure list which is exhibited as exhibit-2 wherein he confirmed his signature as exhibit-2 (1).

21. Perusal of the sketch map of the house of the PW-1, which is prepared by the PW-8 and which is exhibited as exhibit-3 wherein his signature is proved as exhibit-3 (1), goes to show that the house of the PW-1 has two rooms which are interconnected by doors and there are two rooms in the verandah also with a single outer door. This door faces the betel nut garden of the informant which shows that this door was at the back side of the house. The other door giving access to the house is on the front verandah facing the village road. The statements of PW-1 and PW-2 that the accused entered the house through the back bamboo door get

independently corroborated by the sketch map also which is prepared by the Investigating Officer (PW-8).

22. The PW-2 stated in her deposition that the door of the house from the inside was not closed. In view of the statement of the PWs that the accused cut the bamboo door to gain access into the house it is clear that what PW-2 meant was that the three internal doors, which connected the rooms, were not closed. Another sketch map of the place of recovery of the three water pumps was also prepared by PW-8 which is exhibited as exhibit-4 and wherein he confirmed his signature as exhibit-4 (1). Exhibit-4 sketch map shows the hill as well as the village road with the culvert. The sketch map goes to show the place from where the three water pumps were recovered by PW-8 as lead by the accused. As we have also noticed from the independent witnesses that three water pumps were recovered from near the hill and the hill is indicated in the exhibit-4. The ejahar also contained the statement that he three water pumps were recovered from a culvert and this culvert is also indicated in this sketch map (exhibit-4). The presence of the culvert and the hill confirms and corroborates the oral testimony of the witnesses.

23. The accused, while under examination under section 313 CrPC, admitted that the local villagers and two brothers of the PW-1 caught him and handed him over to the villagers and the villagers handed him over to police. This admission by the accused without any explanation as to why he went to the house of the complainant at that time of the night clearly goes to show that he was caught red handed in the manner narrated by the witnesses. The said accused also admitted that the motors were handed over to police. He also admitted that he was handed over to the police by the villagers who caught him. It was also admitted by him that he was caught by the villagers and was taken to the house of Sri Bhupen Deka i.e. PW-1. It was also admitted by the said accused that police took him along with two motor pumps to the police station. It was also admitted by the accused that the police found him tied at the house of the informant and the local villagers assaulted him. These admissions by the accused himself, while under examination under section 313 CrPC, further corroborates the testimony of the witnesses.

24. The other investigating officer S.I. Md. Akbor Ali was examined as a court witness (CW-1) as his evidence was deemed necessary for a just decision of the

case. He deposed that ASI Sri Kuladhar Nath handed over the case diary to him after completion of preliminary investigation. He recorded statements of local witnesses namely Sri Krishna Deka, Sri Santiram Deka and Sri Dinesh Deka and after completion of investigation he submitted the charge sheet under section 380 IPC against the accused. The charge sheet was exhibited as exhibit-5 wherein he confirmed his signature as exhibit-5 (1).

25. The admission by the accused coupled with the overwhelming evidence as indicated above clearly goes to show that he entered into the house of the informant and searched for necklace in the neck of PW-2. When PW-2 woke up and started screaming, he fled from the house but he was chased by the PW-1 into the paddy field wherein he was caught with the help of the local villagers and was taken to the house of PW-1 and wherein he was tied and later handed over to police. It is also proved from the evidence that he committed theft of three motor pumps, one of which belonged to Sri Dinesh Deka. All the three motor pumps were recovered by police after being led by accused himself.

26. Such discovery of the three water pumps was on the basis of disclosure of the accused and the truth of the statements made by the accused was guaranteed by the discovery of the facts in consequence of the information given by the accused, which is relevant under section 27 of the Indian Evidence Act, 1872 also. There was nothing in the statement of the accused, while under examination under section 313 CrPC, that the statement which particularly led to the discovery of the three water pumps, hidden by him, was extracted from him by compulsion so as to be hit by Article 20(3) of the Constitution. In view of law laid down in **State of Bombay Vs. Kathi Kalu Oghad**, reported in AIR 1961 SC 1808, also, the mere fact that the accused while making the statement was in police custody will not attract the provision of Article 20 of the Constitution. It has to be decided whether or not the accused has been compelled to make the statements. There is nothing to show in this case that the accused was compelled by police to make the statements which led to the discovery of the three water pumps. The accused made the disclosures and led the police party and public witnesses to the places from where the three water pumps were recovered and a sketch map (exhibit-4) of the same

was also prepared and the PWs had stood the test of cross examination as to the recovery also. Therefore, the recovery could not be doubted.

27. This is a case where there is no inherent discrepancies in the deposition of the PWs. Their depositions are found to be natural and trustworthy. The variations in their depositions, as pointed out by Mr. Umesh Ch. Roy, learned defense counsel, such as what were the exact words used by PW-2 while shouting when touched by the accused, the number of water pumps recovered and handed over to police, number of persons present at the scene after the occurrence, the places of recovery of the stolen water pumps are insignificant and minor variations which does not go to the root of the prosecution case. These variations must be viewed in the context that the occurrence took place at about 12.30 a.m. at night at a village. The commotion followed by the gathering of the local villagers must have created a confusion which rendered the witnesses to make mistakes while deposing in court with regard to the aforementioned variations. The variations in their deposition, rather, went to prove that these witnesses told the truth as they saw it and they were free from tutoring. Therefore, their depositions are found above reproach. They have no previous axe to grind against the accused to falsely implicate him and let the actual culprit go scot free.

28. From the evidence available on record the following facts have been proved beyond any reasonable doubt:

- (i) The accused entered the house of the informant by cutting the bamboo door on the back side of the house on 2-2-2016 at about 12.30 a.m.
- (ii) The accused searched for a necklace in the neck of the PW-2 while she was asleep.
- (iii) The accused fled from the house when PW-1 woke up hearing the scream of his daughter (PW-2).
- (iv) The accused was chased by PW-1 into the paddy field. Other villagers, including two brothers of the PW-1, also followed PW-1.
- (v) The accused turned around and caused an injury on the person of the PW-1 with a pointed stick, possibly made of bamboo, for which PW-1 had to take treatment at his house.

- (vi) The accused was caught and brought back to the house of the PW-1 wherein he was tied in the courtyard.
- (vii) The accused disclosed that before entering the house of the PW-1, he committed theft of three water pumps from three other villagers one of whom is Sri Dinesh Dekha (PW-7).
- (viii) On arrival of the investigating officer (PW-8) at the house of the PW-1, the accused led him and other villagers and the three water pumps were recovered from the places where they were hidden by the accused.
- (ix) The accused was handed over to the police station along with the water pumps.

29. The accused was charged under section 380 of IPC. However, the accused could not stole anything from the house of the informant but already committed the theft of three water pumps from three other villagers before entering the house of PW-1. There is nothing in the evidence to show that these water pumps were taken away from inside the respective house or building of the said three villagers. Therefore, it appears that the accused has committed the offence under section 379 IPC, instead of section 380 IPC, so far as the theft of the three water pumps are concerned.

30. So far as the action of the accused entering the house of the informant at about 12.30 a.m. is concerned, same is squarely covered by the definition of 'House-breaking by night' under section 446 of IPC which provides that whoever commits house-breaking after sunset and before sunrise, is said to commit "house-breaking by night". House-breaking is defined under section 445 of IPC. The action of the accused when he entered the house by cutting the bamboo door is covered by the definition of house breaking. Since he did it at night, hence, his action is covered by the offence defined under section 446 of IPC, as indicated above.

31. Now the only question is whether the accused can be convicted of the offence of house breaking by night defined under section 446 of IPC which is made punishable under section 456 of IPC which provides for imprisonment of either description for a term which may extend to three years, and also fine. In this context we may refer to section 222 of CrPC.

Section 222 (2) of CrPC provides as follows:

"When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it."

32. Though the accused was charged with section 380 of the IPC but the facts are proved that the accused has committed the offence under section 379 IPC and the offence of house-breaking by night punishable under section 456 of IPC. The punishment provided for the offence under section 456 IPC is less than the punishment provided for the offence under section 380 IPC which renders the offence under section 456 IPC a minor offence. In view of section 222 (2) of the CrPC the accused is liable to be convicted of the offence under section 456 IPC though he was not charged with it.

33. Though it is proved that the accused caused an injury to the informant for which he had to take treatment, but as he was not charged with any connected offence, in view of this court, the accused cannot be convicted of the offence under section 323 of IPC. Moreover, it is proved that the accused, after entering the house of the informant, searched for a necklace on the neck of the PW-2, which, without a doubt, was for committing theft of the same which aggravates the offence of house breaking by night punishable under section 456 of IPC to the offence of lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment under section 457 of IPC. As the offence intended to be committed by the accused was theft, hence the offence further aggravates and punishment is also extended to fourteen years. But since it is not a minor offence, hence, the accused cannot be convicted of the same, as he was not charged with it.

34. From the aforesaid discussion and reasons the point for determination is answered as follows:

- (i) The accused is found guilty of committing the offence punishable under section 379 of IPC and accordingly he is convicted of the same.
- (ii) The accused is also found guilty of committing the offence punishable under section 456 of IPC, though he was not charged with it, and accordingly he is convicted of the same.

35. Having regard to the circumstances of the case, the manner in which the convict Md. Mubarak Ali committed the offences at night and his remorselessness, punishment need to be imposed to deter him from committing similar offences in future and deter others from committing such kind of offences and therefore the benefits of the provisions of the Probation of Offenders Act, 1958 cannot be extended to the convicted person.

36. The aggravating circumstances of the case are that the convict appears to be a habitual offender by the fact that he, after committing theft of three water pumps on the same night, entered the house of the informant and touched the neck of his daughter in search of a necklace. The convict has made the informant and his daughter feel less safe in their own house, who had every right to feel safe in their own house, apart from startling them in the dead of the night. The convict also caused injury to the informant for which he had to take treatment. The manner of committing the offences appear to be pre-meditated by the accused as not only he stole the three water pumps but also took steps to conceal them. In spite of his clear involvement in the offences the convict never expressed any remorse and compelled the witnesses to face the stressful environment of a courtroom.

37. The mitigating circumstances of the case are that the convict is a young person of about 23 years of age at the time of committing the offences and there is no record of any previous conviction against him. I have considered the personal circumstances of the convict, the need to punish the convicted person, a punishment which must be just in all the circumstances, the need to protect the community, the need for a very strong denunciation of the conduct of the convicted person, having regard to the fact that he must be sentenced according to law and the need to generally deter others who might be like minded from committing similar offence. The primary sentencing consideration here is punishment, deterrence, both personal and general, denunciation of the conduct and promotion of respect for the rule of law. In sentencing, I take account of all the matters I have referred to including the statutory maximum penalty for the offences.

38. In view of the above and after hearing the convict in person, who stated that he has mother and five younger brothers at home, and his learned defense counsel on the question of sentence, the convict is sentenced as follows:

- i. For offence punishable under section 379 of IPC the convict is sentenced to undergo rigorous imprisonment of 3 (three) years with a fine of Rs.5000/- (Rupees five thousand). In default to pay the fine the convict shall undergo simple imprisonment of 1 (one) month.
 - ii. For the offence punishable under section 456 of IPC, the convict is sentenced to undergo rigorous imprisonment of 3 (three) years with a fine of Rs.5000/- (Rupees five thousand). In default to pay the fine the convict shall undergo simple imprisonment of 1 (one) month.
 - iii. The imprisonment for both the offences shall run consecutively and not concurrently, in view of section 31 of CrPC. In other words, the convict shall undergo the sentence of imprisonment for the offence punishable under section 379 of IPC first and then he shall undergo the sentence of imprisonment for the offence punishable under section 456 of IPC.
 - iv. The period of detention already undergone by the convict from 3-2-2016 to 1-4-2016 i.e. for 59 (fifty nine) days shall be set off in view of section 428 of CrPC.
- 39.** The bail bond of the convict is extended for a period of six months in view of section 437A of CrPC.
- 40.** Furnish a free copy of the judgment to the convict.
- 41.** The judgment is pronounced in open court and given under my hand and seal on this 3rd day of June, 2019 at Morigaon, Assam.

Chief Judicial Magistrate, Morigaon

APPENDIX

(A) PROSECUTION EXHIBITS:

Ext.-1: Ejahar
Ext.-1(1): Signature of Sri Bhupen Deka
Ext.-2: Seizure list
Ext.-2(1): Signature of ASI Sri Kuladhar Nath
Ext.-3: Sketch map of the house of Sri Bhupen Deka
Ext.-3(1): Signature of ASI Sri Kuladhar Nath
Ext.-4: Sketch map of the place of recovery of stolen water pumps
Ext.-4 (1): Signatures of ASI Sri Kuladhar Nath
Ext.-5: Charge sheet
Ext.-5(1): Signature of SI Md. Akbor Ali

(B) DEFENCE EXHIBITS

None

(C) EXHIBITS PRODUCED BY WITNESSES

None

(D) COURT EXHIBITS

None

(E) PROSECUTION WITNESSES

P.W.-1: Sri Bhupen Deka
P.W.-2: Ms. Nipamoni Deka
P.W.-3: Sri Dipen Deka
P.W.-4: Sri Moni Deka
P.W.-5: Sri Krishna Deka
P.W.-6: Sri Santiram Deka
P.W.-7: Sri Dinesh Deka
P.W.-8: ASI Sri Kuladhar Nath

(F) DEFENCE WITNESSES

None

(G) COURT WITNESSES

C.W.-1: SI Md. Akbor Ali

Chief Judicial Magistrate, Morigaon