

IN THE COURT ADDITIONAL CHIEF JUDICIAL MAGISTRATE, DHUBRI.
Case No. G.R 1315 of 2009 u/s 342/326 of I.P.C.

State

-Vs-

Anowara Khatoon.

Present: *Sri N. J. Haque, A. J. S.*
 Addl. C.J.M., Dhubri.

Advocates appeared:

Mr. K. A. SK, Learned APP.....for the State.

Mr. A.K Ahmed , Advocate.....for the accused-person.

Date of Evidence : - 13-06-12, 17-12-12, 11-04-17 & 25-05-17.
 Date of S.D. : - 06-06-17.
 Date of Argument : - 29-08-17.
 Date of Judgment : - 05-09-17.

J U D G M E N T

1. Prosecution case, in a short campus is that the instant G.R case has been arising out of the ejahar lodged by one Ashidur Rahman before O.C of South Salmara P.S on 04-01-07 alleging inter-Alia that Sanowar Ali is the inhabitant of Takimari village is his father in law. On 03-01-09 at about 9 am, his father-in-law went to sale articles and then accused Ezazul Hoque called his father-in-law to the house of Anowara and due to instigation of other FIR named accused-persons, accused Anowara stabbed the shoulder of his father-in-law with a Dao and caused grievous injury and one Naba Jamal witnessed the incident.

2. On receipt of the ejahar, the South Salmara P.S case No.35 of 2009 u/s 342/326/34 of I.P.C was registered and investigated into. On completion of investigation, the I/O has submitted charge-sheet against the above named accused person u/s 342/326 of I.P.C.

3. In pursuant to the court process, the above named accused person appeared before the Court and was allowed to go on bail. Copy was furnished to him. Charge of offences u/s 342/326 of I.P.C is read over and explained to the accused person, on which he pleaded not guilty and claimed to be tried.

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4. Prosecution side to prove the case, examined as many as 8 numbers of witnesses including informant, M.O and I.O. The accused person was examined under section-313 of Cr. P.C. and her pleas of denial were recorded in a separate sheet and kept to the record.

PLEA OF ACCUSED TAKEN AT THE TIME OF EXAMINATION U/S-313 OF CR.P.C.

"All the witnesses deposed falsely against her and informant lodged false case against her."

5. **POINTS FOR DETERMINATION ARE:**

(I) Whether on-03/01/2009 at about 9 am in the house of accused situated at Takimary village of South Salmara P.S the accused Anowara Khatun wrongfully confined the victim Sanowar Ali and thereby committed an offence punishable under section-342 of I.P.C.?

(II). Whether on the same date, time and place, accused Anowara Bibi stabbed the shoulder of informant's father-in-law with a Dao and caused grievous injury and thereby committed an offence punishable u/s 326 of IPC?

DISCUSSION, DECISION & REASONS THEREON:

6. I have heard oral arguments of the learned counsels for both the sides, gone through the case records and peruse the evidence carefully. In the instant case in hand, before appreciation of evidences offered by the prosecution side, I would like to discuss the prime contentions of the ejahar to appreciate the evidences lawfully. The informant in his ejahar categorically pleaded that on the date of incident at about 9:00 am, while his father-in-law came out to sale articles from his house, one accused named Ezazul Hoque called his father-in-law to the house of Anowara and due to instigation of other FIR named accused-persons, accused Anowara stabbed the shoulder of his father-in-law with a Dao and caused grievous injury.

7. Prosecution side to prove the above said contentions, examined as many as 8 numbers of witnesses along with the informant, Investigating Officer (I.O) & Medical Officer (M.O) of this case. I have carefully traveled through the testimonies of all the witnesses in the backdrop of entire prosecution case and it finds:-

8. PW-1 in his testimony deposed that 3 and ½ years back at 9:00 a.m., he was at his house and at that time daughter of Anowar called his father-in-law, while he was doing ferry of cloths and accordingly, his father-in-law went to the house of accused and then accused Anowar stabbed his father-in-law with a dao and other

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accused persons were inside the house. He also deposed that on hearing about the incident he recovered his father-in-law and took him to hospital and lodged ejahar.

9. PW-2 in his testimony deposed that 2½/3 years back at 9am, he was at his house and daughter of Anowar called him and accordingly, he went to the house of accused through cycle and he saw along with Anowar, Izazul and Anowar's mother were taking tea and he went inside the house of Anowar as called and when he was about to come out from the room, accused stabbed on his "shoulder" with dao and he fled away from there and to more bleeding fell down unconscious. Thereafter, he took treatment from Dhubri Civil Hospital and his son in law lodged ejahar.

10. PW-3, PW-4, PW-5 & PW-6 deposed before this court that they do not know anything about the occurrence.

11. PW-7 is the IO of this case and he deposed that on 04-01-09, he was posted at Sukchar Police O.P as I.C and on that day informant Ashidur Rahman lodged an ejahar before him. After receiving the ejahar he made a G.D Entry vide Sukchar G.D Entry No.33 dated 04-01-09 and forwarded the same to the O.C South Salmara P.S for registration and he being the I.C taken up the charge for investigation. Accordingly, on 05-01-09 O.C of South Salmara registered a case vide S.S.M. P.S case No.35/09 u/s 342/326/34 IPC. During his investigation, he went to the place of occurrence and recorded the statement of the witnesses including complainant u/s 161 Cr PC. In the meantime, he was transferred to Chirang P.S and on 30-01-09 he handed over the C.D to O.C S.S.M. P.S. Later on, S.I Naba Kanta Haloi after collecting injury report and on the basis of his investigation, he submitted charge-sheet u/s 342/326 of IPC against the accused persons showing the accused persons as absconder. Ext.2 is the charge sheet & Ext.2 (1) is the signature of S.I. Naba Kanta Haloi which he knows. In his cross-examination PW-7 further deposed that he also investigated the cross case lodged by the accused. Injured Sanowar Ali took treatment on his own initiative without police requisition.

12. PW-8 is the Medical Officer and he deposed that on 03-01-09 while he was posted at Sukchar M.P.H.C, on that date he examined one Sanowar Ali aged 40 years and found the followings: - One deep cut injury over the right shoulder, crossing over the middle one third of right clavicle. Length of the wound: - 4" backward from the right clavicle and 2" forward from the right clavicle. **Depth:** - cutting deep to skin soft tissue, right clavicle completely and right scapula upper wader. Age of wound fresh (1

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hr. approx.), active bleeding present. Patient was referred to Civil Hospital Dhubri or Goalpara immediately. **Opinion:** - Grievous injury and caused by sharp heavy weapon.

DISCUSSION OF EVIDENCES

13. For the convenience of discussion and decision of all the points of determination, I would like to discuss all points together.
14. It is worth mentioning that, the criminal jurisprudence of the country rests on the principle of proving the guilt of the accused beyond all reasonable doubt by the prosecution. There must not be any shadow of doubt on the truthfulness of the prosecution case. This being the cardinal principle of criminal jurisprudence, we must scrutinize the evidence produced by the prosecution from all possible corners and must also test the veracity of the witnesses. If the witnesses are found as wholly reliable on the point of guilt of the accused then only the accused can be held as guilty of the alleged crime.
15. Informant of this case examined as PW-1 and as per his evidence he lodged Ext.1 (Ejhar) and Ext.1 (1) is his signature and he know the accused-persons. He further deposed that 3 ½ years back occurrence took place at 9 am and he was at his house. When his father-in-law went to sale cloths, his father-in-law was called by daughter of Anowar and then his father-in-law went to the house of accused, thereafter, accused Anowara stabbed his father-in-law with a Dao and other accused persons were present inside the house. On hearing about the incident he recovered his father-in-law and took him to hospital and lodged ejahar. PW-1 in his cross-examination categorically deposed that he has not seen the incident and he lodged ejahar on hearing about the incident. He has not mentioned the name of persons in his ejahar from whom he heard about the incident. His house situates at Baghmara and place of occurrence is Takimari and it takes 15/20 minutes to arrive at the place of occurrence and he went to place of incident through a vehicle and found 100/150 people at the place of occurrence and he took the injured to the hospital. He heard about the incident from the villagers. Due to the same incident accused Anowara lodged a rape case against his father-in-law. Police arrested his father-in-law in connection with Sukchar PS case No.34/09. The defence side put one suggestion upon the PW-1 which was denied by saying that it is not a fact that his father-in-law went to

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rape Anowara and due to hue and cry raised by Anowara, his father-in-law sustained injury by falling over Boti(tool for used for cutting vegetable). The evidence of PW-1 appears to be hearsay in nature and admittedly he has not seen the incident. As per the evidence of PW-1 it categorically reveals that PW-1 is a reported witness and as per the information received by him, he lodged the ejahar and recovered his father-in-law from the house of accused in an injured condition and shifted his father-in-law to hospital for treatment.

16. The evidence of PW-1 has two parts, the first part relates to the fact that after hearing about the incident informant went to the house of accused and that fact appears to be hearsay in nature and second part relates to the fact that when he arrived at the place of occurrence and he found his father-in-law in an injured condition and took him to hospital? That second part of the evidence appears to be circumstantial in nature and that supports the fact that his father-in-law found in an injured condition inside the house of Anowara on the date of incident and PW-1 recovered the injured and shifted him to hospital. The defence side in the cross-examination part of PW-1 said that on the date of incident father-in-law of informant went to rape Anowara and due to hue and cry raised by Anowara his father-in-law sustained injury by falling on 'Boti'. That suggestion was denied by PW-1. The defence by putting suggestion admitted the fact that on the date of incident the injured sustained injury at the house of Anowara. Now, question is whether the injured sustained injury by falling on a Boti? That is not proved by the defence side by adducing any cogent evidence.
17. PW-2 appears to be the victim of this case and as per his evidence 2 ½ to 3 years back at 9 am daughter of Anowar called him to the house Anowara and accordingly, he went to the house of Anowara along with Ferry articles and he saw there Ejajul, Anowar and others were present along with Anowara and they were talking tea. He was called inside the house and accordingly he entered the house and when he was coming out from the house, accused stabbed his shoulder with Dao. He tried to flee away but due to bleeding he become unconscious and fell down. He took treatment at Dhubri Civil Hospital. Due to that his son-in-law lodged ejahar. He in his cross-examination deposed that the place of incident outside of the house. Except three persons nobody has seen incident. Ejajul, Ali Hussain and Sahera seen the occurrence. Police recorded their

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evidence. He further deposed that his son was not present in his house and after one week his son came to the house. Accused filed one rape case against him vide No. 34/09 and he went to jail and now that trial is pending of that case. He denied that on the date of incident he went to rape Anowara and due to hue and cry raised by her he fell down on a Boti and sustained injury. He further denied that a false case was lodged in this case.

18. The evidence of PW-2 who is victim of this case appears to be corroborative and supportive about the entire contentions of the ejahar that on the date of incident the victim Sanowar was called in the house of Anowara and accordingly he went inside the house of Anowara and at that time of his return Anowara stabbed his shoulder with a dao and caused him injured.
19. PW-3, PW-4, PW-5 and PW-6 are the independent witnesses of this case and they have deposed that they do not know anything about the incident. PW-7 appears to be the I.O and he in his evidence prove the entire investigation and charge-sheet vide Ext.2. As per his cross-examination he also investigated the cross case lodged by accused and injured took treatment on his own initiative. PW-8 is the M.O and as per his evidence 03-01-09 while he was posted at Sukchar M.P.H.C, on that date he examined one Sanowar Ali aged 40 years and found the followings: - One deep cut injury over the right shoulder, crossing over the middle one third of right clavicle. Length of the wound: - 4" backward from the right clavicle and 2" forward from the right clavicle. **Depth:** - cutting deep to skin soft tissue, right clavicle completely and right scapula upper wader. Age of wound fresh (1 hr. approx.), active bleeding present. Patient was referred to Civil Hospital Dhubri or Goalpara immediately. Opinion: - Grievous injury and caused by sharp heavy weapon. PW-8 in his cross-examination deposed that PW-7 has not mentioned GD Entry No of this case. He forwarded the report on 30/03/09 to police station and the patient was referred to Civil Hospital Dhubri or Goalpara on the same date.
20. If we carefully peruse the evidence of PW-2 who is sole victim then, it becomes crystal clear before this Court that on the date of alleged incident he sustained grievous injuries like- One deep cut injury over the right shoulder, crossing over the middle one third of right clavicle. **Length of the wound:** - 4" backward from the right clavicle and 2" forward from the right clavicle. **Depth:** - cutting

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deep to skin soft tissue, right clavicle completely and right scapula upper wader. The injury report submitted by PW-8 and the evidence of PW-2 appears to be corroborative, coherent and supportive. Defence side failed to collect any sort of material contradictions from the evidence of PW-2 who is the sole victim of this case. Other independent witnesses have not deposed anything to support the case of the prosecution and they have also not deposed anything against the case of the prosecution. So there evidence cannot be considered to be hostile to the prosecution's case. It is well settle of provision of law that the conviction on the basis of corroborative piece of evidence belongs to sole testimony of victim can be given and prosecution need not to examine the number of witnesses. Admittedly in this case in hand the place of occurrence is the house of accused and there is no chance of presence of other independent witnesses except the family members of the accused-person. PW-2 in his cross-examination deposed that except Ezazul, Ali Hussain and Sahera none had seen the incident. All the above said persons are the family members of accused and it is obvious that they shall not depose to support the case of prosecution.

21. Another important relevant fact from the cross-examination part of PW1 and PW2 that the defence side during the time of cross-examination of both the witnesses categorically put forwarded one suggestion regarding the fact that on the date of incident the victim Sanowar Ali went inside the house of accused Anowara to commit rape with her and due to hue and cry raised by Anowara, Sanowar Ali fell down on a BOTI and sustained injuries. That suggestion was denied by both the PW-1 & PW-2. Though the defence side in their cross-examination put forwarded that suggestion but, during the time of examination of Anowara Khatun u/s 313 Cr PC she has not put forwarded that plea in her statement. The defence side though took the plea of that fact regarding the sustaining injury by Sanowar falling over a Boti, at that time of hue and cry raised by Anowara, but, the defence side failed to offer any sort of cogent evidence to substantiate that plea to demolish the case of the prosecution. More also specific pleas of denial required to be substantiated by the defence side by adducing cogent evidence.
22. As such that fact goes against the defence side of this case and help this court to raise a strong presumption against the accused that the injury found on the body

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of Sanowar Ali was inflicted by accused Anowara. Another important fact reveals from the cross-examination part of PW-1 & PW-2 that both of witnesses have admitted that one rape case was filed by Anowara against the victim Sanowar Ali and that is pending for disposal. The defence side during the trial of this case failed to bring anything before this court which may prove that Sanowar convicted or acquitted in connection with the rape case filed by Anowara.

23. In this case in hand, the evidences of PW-1 & PW-2 supports and prove that on the date of incident Sanowar came out for Ferry to sale the cloths and he was called by the daughter of Anowar to the house of accused and thereafter, accused Anowara inflicted grievous injury on the body of Sanowar Ali by stabbing him with a Dao. The evidence of PW-1 & PW-2 appears to be corroborative and supportive and the defence side failed to create any doubt or demolish their testimonies by bringing any sort of contradictions in view of section 145 of Indian Evidence Act.
24. This court not find anything doubtful over the evidence of victim under which the case of the prosecution may be disbelieved. The informant contended in the ejahar that Sanowar sustained injury due to stabbing of Anowara and evidence of PW-2 supported the contention of the ejahar and finally the Medical Officer who examined the victim on the date of incident through his report and evidence of PW-8 corroborates the entire contention of prosecution regarding the injury sustained by Sanowar Ali and the defence side failed to demolish his evidence by contradicting him with their witness and investigation of the I.O.
25. Learned Advocate appearing for the accused during the argument vehemently submitted before this court that evidence of PW-1 appears to be hearsay in nature and PW-2 is the victim of this case and not a single independent witness support the case of the prosecution side and on the basis of sole testimony of PW-2, the accused can be held guilty of commission of offence punishable under section-326 of I.P.C.
26. Per contra, the prosecution side submitted strenuously before this court that sole testimony of victim can be the basis of conviction of the accused as the evidence of PW-2 completely supports the case of prosecution.
27. I have considered the submissions of both the sides and perused the settled provisions of law with regard to points raise by the defence as well as

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prosecution side. It is well settled that the Court can place reliance on a solitary witness provided the same inspires confidence. If such evidence of a single witness is clear, cogent and consistent and there is no other infirmity, there is absolutely no impediment in placing reliance on such evidence and the Court need not seek for corroboration.

28. In **Sunil Kumar V. State of Govt of NCT of Delhi (2003 (11) SCC 367)** the Hon'ble Apex Court has held that, "9. Vadivelu Thevar case (AIR 1957 SC 614) was referred to with approval in the case of Jagdish Prasad v. State of M.P. (AIR 1994 SC 1251)--- "as a general rule the court can and may act on the testimony of a single witness provided he is wholly reliable. There is no legal impediment in convicting a person on the sole testimony of a single witness. That is the logic of Section 134 of the Indian Evidence Act, 1872 (in short "the Evidence Act"). But, if there are doubts about the testimony the courts will insist on corroboration. It is for the court to act upon the testimony of witnesses. It is not the number, the quantity, but the quality that is material. The time-honoured principle is that evidence has to be weighed and not counted. On this principle stands the edifice of Section 134 of the Evidence Act. The test is whether the evidence has a ring of truth, is cogent, credible and trustworthy, or otherwise."
29. Criminal Trial – Witness – Solitary witness – Related – Testimony of – Held, can be basis of conviction even is related to the deceased – Absence of corroboration, held on facts, inconsequential – State of Rajasthan V. Om Prakash (2007 (12) SCC 381).
30. In **Kunjv Vs. State of Tamil Nadu (2008 (2) SCC 151)**, & **Munna @ Pooran Yadav V. State of Madhya Pradesh** reported in 2008 (8) Supreme 51, The Hon'ble Apex Court held as follows: "18. Learned counsel appearing on behalf of the State relied on the decision reported in **Kunju Alias Balachandran V. State of Tamil Nadu (2008 (2) SCC 151)** which deals with the subject of the appreciation of the single eye-witness. This Court following the softly quoted decision in **Vadivelu Thevar V. State of Madras (AIR 1957 SC 614)** and accepting that decision came to the conclusion that this Court can and may convict relying on the testimony of a single witness provided he is wholly reliable and that there was no legal impediment in convicting a person on the sole testimony of a single witness."

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31. The Hon'ble Apex Court in **Jarnail Singh V. State of Punjab reported in 2009 (1) Supreme 224** has held that, "It is no doubt true that conviction could be based on the sole testimony of a solitary eyewitness but in order to be the basis of conviction his presence at the place of occurrence has to be natural and his testimony should be strong and reliable and free from any blemish.
32. In **Chuhar Singh V. State of Haryana (1976 (1) SCC 879)** Hon'ble Apex Court held that what is important is not how many witnesses have been examined but what is the nature and quality of evidence on which it relies. The evidence of a single witness may sustain a sentence of death whereas a host of vulnerable witnesses may fail to support a simple charge of hurt. Since the case must stand or fall by the evidence of single witness, it is necessary to examine that evidence critically."
33. Admittedly, in this case in hand the independent witnesses i.e. PW-3, PW-4, PW-5 & PW-6 in their evidence simply deposed that they don't know anything about the incident. The independent witnesses though examined by the prosecution side have not corroborated the testimonies of PW-1 and PW-2. But in the same time they have not deposed anything contradictory with the versions of PW-1 and PW-2 of this case. The cardinal rule of evidence is that it is necessary for proving prosecution case is not quantity but quality of evidence.
34. So, from the ratio given by the Hon'ble Apex Court categorically affirmed that the sole testimony of one witness can be the basis of conviction of an accused person, when such evidence of a single witness is **clear, cogent and consistent** and there is no other infirmity, there is absolutely no impediment in placing reliance on such evidence. In this case in hand we have discussed earlier that the sole testimony of PW-2 appears to be strong and reliable and free from any blemish. The defence side failed to bring any material contradictions after cross-examination of PW-2. Hence, under the above said ration of several pronouncement of Hon'ble Apex Court the argument put forwarded by the defence side cannot be accepted.
35. Learned Advocate appearing for the accused further submitted that evidence of PW-1 cannot be relied upon as he in his ejahar pleaded that accused Ejajul called his father in law to the house of accused Anowara Khatun and he in his evidence testifies that daughter of Anowara called his father-in-law to the house of

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accused. We have discussed earlier the informant is reported witness and his evidence appears to be hearsay in nature. His evidence being hearsay in nature cannot be basis of conviction of the accused of this case. The victim as PW-2 who is the sole witness of this case supports his case clearly. Hon'ble Supreme court recently in the case of State **of Karnataka vs. Smt. Suvarnamma & ANR. [Criminal Appeal No.785 of 2010]** observed that ---"the Court dealing with a criminal trial is to perform the task of ascertaining the truth from the material before it. It has to punish the guilty and protect the innocent. Burden of proof is on the prosecution and the prosecution has to establish its case beyond reasonable doubt. Much weight cannot be given to minor discrepancies which are bound to occur on account of difference in perception, loss of memory and other invariable factors. In the absence of direct evidence, the circumstantial evidence can be the basis of conviction if the circumstances are of conclusive nature and rule out all reasonable possibilities of accused being innocent." In this case in hand even we consider the evidence of PW-1 in the process of appreciation of evidences, the statement of PW-1 regarding the fact of calling the victim to the house of accused by one Ezazul or daughter of accused are appears to be minor discrepancies and those can be occurred due to loss of memory or other invariable factors. Hence, the argument put forwarded by the defence side regarding that facts is stand discarded.

36. Learned Advocate appearing for the accused further argued that Police failed to seize the alleged DAO, which was allegedly used by the accused Anowara in stabbing the victim. As such the accused person cannot be held guilty of commission of offence punishable under section-326 of I.P.C. The points for arguments placed by the defence side considered in the backdrop of entire prosecution case. Ext-3 appears to be medical report and as per the report PW-8 after medical examination of PW-2 found one deep cut injury over the right shoulder crossing over the middle of right clavicle. The seizure of injury is 4" backward from right clavicle and 2" forward from the right clavicle. Cutting deep to skin, soft tissue. As per the opinion of PW-8, such injuries caused by sharp heavy weapons. The ejahar as well as the evidences of PW-1 and PW-2 also corroborates that said injury caused by accused Anowara with dao. A Dao appears to be a sharp weapon and it considered to be sharp cutting objects. I.O

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of this case failed to seize any Dao during the time of investigation. Now, question is whether none production of Dao before the court makes the case of prosecution weaker and doubtful.

37. It is true that the IO of this case failed to seize the weapon of assault or the blood stained clothes of the victims. But merely because of some defective investigation, the accused is not entitled to get any benefit as no prejudice has been caused to him. [**1997 CrLJ (SC) 452** relied upon].
38. At this stage, it would not be inappropriate, if I point out the fact that, PW-8 has diagnosed the injuries sustained by PW-2 (in Ext. 3) to be grievous in nature caused by sharp heavy weapons. On the other hand, Section 326 IPC specifically lays down only those types of injuries, which are termed as grievous. And in my opinion, the prosecution has failed to show that PW-2 had sustained any of the injuries specified in Section 320 IPC. Merely because PW-8 has stated the injuries of PW-2 to be grievous in nature and he was admitted in the hospital does not make it punishable u/s 326 IPC. However, the evidence of PW-2 and PW-8 clearly point out that PW-2 had sustained hurt by a sharp weapon which is otherwise punishable u/s 324 IPC.
39. Therefore, in the light of above said discussion and Medical Evidence where injuries reveals , it would be proper to conclude the above said discussion by observing that prosecution side prove the guilty of the accused person under section-342/326 of I.P.C
40. To sum up the oral and documentary evidences on record offered by the prosecution side, this court finds that the prosecution side prove the entire contention of the ejahar by way of adducing corroborative piece of evidence.
41. Therefore, in the light of all the above said discussion, this court is of considered opinion that the prosecution side prove the guilty of the accused-person u/s 324 of IPC beyond any reasonable doubt. The guilty of offence punishable u/s 342 of IPC is not proved as the prosecution side failed to offer any evidence to prove that victim Sanowar Ali was confined inside the house of accused. Hence, accused acquitted and sets at liberty from the offence of section-342 of I.P.C.
- 42 The offence of section 324 of IPC is proved as Sanowar sustained hurt due to stabbing with Sharp object by the accused Anowara Khatun.

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43. Accused-person found guilty of commission of offences punishable u/s-324 of IPC and she deserved punishment.

Special Reasons in view of section-361 of Cr.P.C

44. Considering the nature and gravity of the alleged offences involved in this case, this court not find anything reasonable to extend the benefit of section 3/4 of Prevention of Offender Act to the accused person.

Hearing of accused in view of section-248(2) Cr.P.C

45. Accused person heard on sentences in view of section 248(2) Cr PC, where she claimed leniency and pleas of accused are recorded in separate sheet and tagged with the case record.

ORDER

46. The accused accordingly stands sentenced to undergo R.I for a period of 2 years and shall have to pay a fine of Rs. 2000/- i/d 1 months of SI for the offence u/s 324 IPC. Let the fine amount shall be given to the victim of this case as compensation in case of realization.
47. Let a periods if any, under gone by the accused person during inquiry, investigation and trial if any, shall be set up as per section 428 Cr PC. Let a copy of this judgment be furnished to the accused person free of cost.
48. Let a copy of this judgment along with relevant records, be sent to Hon'ble Chairman/Secretary of DLSA, Dhubri for providing adequate compensation to victim in view of section-357A of Cr.P.C, as the authority thinks deem fit.
49. Accordingly, the case is disposed of. Judgment is prepared and pronounced in open court. Given under my hand and seal of this court on this 05th day of September at Dhubri.

Addl. C.J.M, Dhubri.

State Vs Anowara Khatun**A P E N D I X**

- 1. PROSECUTION WITNESS: -** PW-1 Ashidur Islam @ Rahman (Informant),
PW-2 Sanowar Ali (Victim),
PW-3 Surat Zamal,
PW-4 Akbar Ali Ahmed,
PW-5 Mahial Hoque,
PW-6 Moynal Hoque,
PW-7 SI Jadav Sarma &
PW-8 Dr. S. Alom.
- 2. PROSECUTION EXHIBITS: -** Ext.1 Ejahar,
Ext.1 (1) Signature of PW-1,
Ext.2 Charge-sheet,
Ext.2 (1) signature of S.I Naba Kr. Haloi.
Ext.3 Injury Report &
Ext.3 (1) Signature of PW-8.

Addl. C.J.M, Dhubri