

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, BANPUR
PRESENT:

Sri Satya Ranjan Pradhan
Asst..Sessions Judge, Banpur

S.T. Case No. 70 /44/452 of 2014/2004

(Arising out of G.R. Case No. 193/2002
to Banpur P.S. Case No. 112/2002)

State. ... Prosecution.

-Versus-

Santosh Subudhi, aged about 34 years,
S/o Nakula Subudhi
Vill: Bhagabatisahi Banpur, P.S:Banpur
Dist: Khurda, A/P: Dasarathipur, P.S:Banpur,
Dist: Khurda

... Accused.

For the Prosecution : Sri R.K. Bisoi, Addl. P.P.

For the Defence : Sri Dillip Kumar Pattnaik,
Advocates.

Date of Argument :13.01.2015

Date of Judgment : 21.01.2015

Offence U/s 456/376 I.P.C.

JUDGMENT

1. The above named accused stands charged U/s 456/376 of the Indian Penal Code for having committed the offence of lurking house trespass by night or house breaking by night and for committing the offence of rape.
2. The brief facts of the prosecution story as narrated in the F.I.R is that:

The father of the prosecutrix is dead. She along with her mother were residing on rent in the house of one Arjuna Tripathy situated in village Bhagabatisahi, Banpur. On 26.05.2002 at about 7 pm her mother had been to Omm Shanti Asharam. During the absence of her

mother the accused namely Santosh Subudhi came to their house and told the prosecutrix that her mother had asked for Rs.20/- . Believing the statement of the accused the prosecutrix went inside the house to bring such money. The accused also followed the prosecutrix into the house & closed the door from inside. When the prosecutrix raised shout accused brought a knife and threatened her saying he will kill her if she raises shout. Thereafter the accused committed sexual intercourse with the prosecutrix without her consent and will. When the prosecutrix cried the accused promised her to marry and left the spot. At 8 pm her mother returned home and found her crying. On being asked she narrated everything before her mother. After knowing about the aforesaid occurrence her mother went to the house of the accused and told it to the mother of the accused. The mother of the accused hearing the aforesaid fact assured the mother of the prosecutrix to reply her after inquiring the matter from the accused and further requested not to disclose it to others. But she did not reply for which the mother of the prosecutrix went to the house of the accused twice or thrice. Thereafter the family members of the accused abused the mother of the prosecutrix. So getting no way out the mother of the prosecutrix intimated the fact to the local gentries of their caste. A meeting was also called for regarding the occurrence. In the said meeting the accused denied to have committed any such act as alleged by the prosecutrix. So the prosecutrix came to Banpur P.S and lodged this written report before the O.I.C Banpur P.S. The report of the prosecutrix was registered as Banpur P.S Case No.42 dated 15.06.2002 U/s 376 of the I.P.C.. After registration of the case the prosecutrix was sent for medical examination. During the course of the investigation the medical examination of the accused was also conducted. The wearing apparels of the accused as well as the

prosecutrix were also seized and after completion of investigation C.S was submitted against the accused U/s 456/376 of I.P.C.

3. The plea of the accused is one of complete denial .

4. The points for determination in this case are :-

(i) Whether on 26th day of May, 2002 at 7 Pm at Bhagabati Sahi Banpur the accused committed the offence of house breaking by night or lurking house trespass at night?

(ii) Whether on the aforesaid date, time and place the accused committed rape upon the informant ?

5. To substantiate its case prosecution had examined as many as 14 witnesses Out of them P.W.6 is the prosecutrix, P.W.3 is the mother of the prosecutrix, P.W.1 is the owner of the rented house namely Arjuna Tripathy P.Ws 10 & 13 are the M.Os, P.W.7 is the maternal uncle of prosecutrix. P.W.14 is the I.O. P.Ws 8 & 9 are the seizure witnesses. Rest are the independent witnesses. On the other hand defence had examined none. That apart Prosecution had relied upon certain documents marked as Ext.1 to 10.

6. Before analyzing the evidence on record it is made clear that any type of sexual violence apart from being a dehumanizing act is an unlawful intrusion on the right of privacy and sanctity of a female. It is a serious blow to her supreme honour and offends her self esteem and dignity. It degrades and humiliates the victim. A violence of rape not only causes physical injuries but also leaves a scar on the most cherished possession of a women i.e. her dignity, honour, reputation and not the least her chastity. It destroys the entire psychology of a woman and pushes her into deep emotional crisis.

7. Here in this case as mentioned earlier the prosecution had

examined as many as 14 witnesses to substantiate its case including the prosecutrix as P.W.6. In this case there is no other eye witness available to the alleged occurrence except the prosecutrix. It is settled law that the victim of sexual assault is not treated as accomplice and as such her evidence does not require corroboration from any other evidence including the evidence of a doctor. Being said so it is also a fact that sworn testimony of a prosecutrix is not a gospel truth. So we have to see if that passes through the searching cross examination of the defene or not. The prosecutrix while being examined as P.W.6 corroborating the F.I.R story deposed that on 26.05.2002 at about 7 P.M. in the evening while she was alone in her house the accused came to her house and asked for Rs.20/- saying that her mother had asked for the same. At that relevant time her mother was not present in the house, as she had gone to Omm Shanti Asharma to offer prayer. After hearing the aforesaid fact she went inside the house to bring the money. At that time the accused came after her and closed the door from inside when she asked him as to why he is closing the door the accused forcibly caught hold of her when the prosecutrix tried to raise shout the accused threatened her to kill by showing a knife. Out of fear the prosecutrix remained silent and the accused forcibly committed rape upon her by making her lay on the floor. When she cried the accused asked her not to cry and he will marry her. At about 8 PM in the night her mother returned home and found her crying on being asked she disclosed everything before her mother. Thereafter she went to the house of the accused and described the occurrence before his mother. The mother of the accused told the prosecutrix's mother that she will enquired the matter from her son. After the aforesaid fact the mother of the prosecutrix had been to the house of the accused for two to three times but she could get no reply from the

mother of the accused. Lastly she was abused so her mother had called for a caste meeting. In the said meeting the accused denied to have committed any such alleged act. So she along with her mother went to the P.S. At the P.S as per her dictation her mother had scribed the F.I.R. upon which she put her signature. Through this witness the prosecution proved the F.I.R. as Ext.1. The prosecutrix also admitted to have examined by the medical officer at Banppur and at Bhubaneswar. She further disclosed that her wearing apparels were seized by the police vide seizure list marked as Ext.2. The prosecutrix was cross examined at length by the learned counsel for the accused wherein it was elicited from the mouth of the prosecutrix that she was having previous acquaintance with the accused and that 20 days after the occurrence she had lodged the F.I.R. further she had washed wearing apparels as per the instruction of the accused. In addition to it, it was further elicited from the mouth of the prosecutrix that on the very day of the occurrence her mother had given her proposal of marriage with the accused to the mother of the accused to which she (mother of accused) refused. Apart from these facts nothing more was elicited from the mouth of the prosecutrix basing upon which her sworn testimony could be doubted. Apart from the prosecutrix the other important witnesses of this case is the mother of the prosecutrix and the house owner namely Arjuna Tripathy, Both of them are important witnesses because although they had not seen the accused committing the aforesaid crime but are said to be the witnesses who had seen the accused going out of the spot house. Thereby proved the presence of the accused at the scene of crime and also strengthen the claim of the prosecutrix. Both of them (P.Ws 3 & 1) supporting the case of the prosecution stated that on 26.05.2002 at about 7 PM both of them had been to Omm Shanti Ashram. In

between 7.30 to 8 pm while they were returning to their house they found the accused going out of the house. At this juncture if the statement of P.W.1 is believed he asked P.W.3 as to why the accused had gone to her house. Then P.W.3 after enquiry from her daughter informed him that the accused had raped her (P.W.6). Similarly as per the statement of P.W.3 after seeing the accused going out of her house she P.W.3 went inside the house and found her daughter crying. On being asked the prosecutrix disclosed everything before her. Further corroborating the version of prosecutrix she disclosed that after knowing about the occurrence she went to the house of the accused and informed the matter to the mother of the accused who told her that she would enquire about the matter from the accused. After this she had been to the house of the accused 2 to 3 times but no reply was received from them. Subsequently she was abused by the mother of the accused. Then she intimated the fact to their caste people who conveyed a meeting but the accused did not agree to the allegation . So lastly she along with her daughter went to the P.S and lodged a written report. This witness was cross examined at length by the counsel for the accused wherein it was elicited from her mouth that prior to lodging of the F.I.R by the prosecutrix basing upon which the present case was initiated she herself had scribed another F.I.R but the O.I.C Banpur P.S. asked to lodge a F.I.R. being signed by her daughter and the first report which was scribed by her was thrown away. That apart the learned counsel for the accused pointed out certain statements which were not stated by the witness before the police but subsequently stated during her examination in the court. On perusal of these statements I found that there were no vital omission or material improvements were made upon her earlier statements. Those statements which were suggested to the witness

are very trivial in nature. This witness like the prosecutrix stood firm to her earlier statement made before the I.O. Like wise P.W.1 the house owner was also cross examined at length. During the said cross examination of this witness it was brought out from his mouth that the accused and his family members were staying on rent in his house prior to the stay of P.W.3 and 6. Similarly it was also brought out from the mouth that prior to their statement in the present case they had deposed against the accused in another case bearing case No. G.R.250/2002. That apart the counsel for the accused suggested some statement to this witness which were not stated before the police by this witness. One of such suggestion that he had not stated before the I.O that on the alleged date he had been to Omm Shanti Ashram along with P.W.3 to which he admitted. On perusal of the statement recorded by the I.O it reveals that the witness had stated that "on 26.07.02 he had been outside on his return he found the accused going out of the house so he asked about it to P.W. 3". So as it reveals although had not stated that he had gone with P.W.3 to Omm Shanti Ashram the other parts of his statement remained same including the fact that he had seen the accused coming out of P.W.3's house and his enquiry about it from P.W.3. That apart no other fact was brought out from his mouth which will show that the statement made by P.W.1 is not trust worthy or unreliable. The brother of P.W.3 namely Sudarsana Naik was examined by the prosecution as P.W.7. This witness also corroborating the prosecution story stated that on 26.05.2002 in between 7 to 8 pm his sister that means P.W.3 had came to his house and described the alleged occurrence. So he advised P.W.3 to inform the matter to the mother of the accused. Obeying him P.W.3 had been to the house of the accused but there she was scolded, so again P.W.3 came to P.W.7 and informed about the

occurrence. Thereafter P.W.3 and 7 went to the caste people who assured them to look into the matter. Initially they did not take any action but when these people again pursued the matter they called the accused. As the accused, did not confess his guilt P.W.3 and 6 went to the police station and lodged the F.I.R. Although this witness was cross examined at length by the counsel for the accused nothing was brought out from the mouth of this witness which will cast a doubt in the mind of the court to disbelieve his statement. As per the statement of the prosecutrix she was sent to the medical after lodging of the F.I.R. The medical officer who had examined her at Banpur C.H.C was examined as P.W.10. The medical officer during her examination in the court stated that on 17.06.2002 while she was working as Asst. Surgeon at C.H.C., Banpur on police requisition had examined the prosecutrix and opined the following things 1) there was nothing to suggest that she was incapable of sex act ii) there was no sign and symptom of injury over the body except old tear of hymen at 6 'O" clock position , (iii) there was no sign of recent sex act (iv) Hymen has already been described (v) No foreign pubic hair was found on the private part (vi) vaginal swab was collected and handed over to I.O along with the pubic hair for examination at State F.S.L , Rasulgarh. The said report of the M.O (P.W.10) was marked as Ext.5. The victim was referred by P.W.10 to Capital Hospital Bhubaneswar for blood grouping and ossification test. The medical officer at Capital Hospital had conducted required ossification test and submitted his report marked as Ext.9 basing upon which P.W.10 had submitted her opinion regarding the age of the victim to the I.O vide her letter marked as Ext.10. As per the Ext.10 the age of the victim was in between 15 to 17 years. The other medical officer who had examined the accused was examined by the prosecution as P.W.13. As per his

statement on 3.10.2002 while he was working as the M.O, C.H.,C Banpur he had examined the accused and had found him capable of performing sexual intercourse. However he had not found any injury on his private part and there was also no sign of previous intercourse. His report was marked as Ext.7. Apart from the aforesaid witnesses the prosecution also examined certain other witnesses such as P.W.2 Dillip Patra, P.W.4 Kartikeswar Senapati, P.W.5 Braja Kishore Subudhi and P.W.11 Bhimraj Patra. Through the examination of these witnesses prosecution tried to establish the fact that there was a caste meeting held to compromise the matter but the aforesaid witnesses denied their knowledge about any such meeting held in their presence. All these said witnesses were put to question U/s 154 of the Evidence Act but nothing much of importance was elicited from their mouth. Apart from the aforesaid persons prosecution examined some witnesses to the seizure as P.Ws 8 & 9 the and I.O was examined as P.W.14.

8. From the aforesaid discussion it reveals that there is no other eye witness available to the prosecution case except the prosecutrix thereof. During her examination in the court she stood firm to her earlier statement made before the police as well as before the court. No other eye witnesses is available to the aforesaid occurrence as the said occurrence took place inside the house of the informant. However it was claimed by the prosecution that P.W.1 and 3 had seen the accused coming out of the house after commission of the rape which proves the presence of the accused at the scene of the crime and make the court believe the statement given by the prosecutrix. Both the said witness also supported the case of the prosecution which lends a ring of truth in support of the prosecution case. During the cross examination of P.W.1 the learned defence counsel brought out a fact that he, P.W.3 & 6 had also deposed against the accused in

G.R.250/02. Through this probably the defence tried to establish the fact of previous enmities . On perusal of the case record it reveals that this case arises out of G.R. 193/02 which was instituted earlier. So there was no existence of previous enmity between the said witnesses with the accused. The evidence of medical officer always bears a great significance in criminal cases. The medical officer who had examined the prosecutrix also found an old tear at 6 'O' clock position in the hymen of the prosecutrix. If the statement of all these witnesses also considered together in the light of medical evidence, it will be found that the statements of P.W.1,3,6 & 7 are trustworthy, cogent and reliable. However during course of the argument the counsel for the accused raised certain points such as (i) there was a delay of around 20 days in lodging of the F.I.R. which the prosecution could not able to justify properly, (2)secondly that the original F.I.R was suppressed by the prosecution and as the original F.I.R was suppressed negative reference should be drawn against the case of prosecution (3)thirdly on the ground of non production of the wearing apparels of the victim. On the other hand learned Addl.P.P. Submitted that the prosecution could able to prove its case beyond all reasonable doubt. The first point which was raised by the counsel for the accused is the delay in lodging of the F.I.R. On perusal of the case record it reveals that the occurrence took place on 26.05.2002 and the F.I.R was lodged on 15.06.2002. Admittedly there was a delay of 20 days in lodging of the F.I.R. The prosecution tried to justify the delay on the ground that after knowing about the incident the mother of the prosecutrix had been to the house of the accused to intimate about it and the mother of the accused had assured to enquire about the matter from her son. Although P.W.3 had been to the house of the accused several times no response was received from the end of the accused's family

members. Rather she was abused. Then she intimated the fact to the caste people. The caste people initially did not interfere in the matter. After her further query a caste meeting was called for but as the accused did not admit his guilt, she came to the P.S and lodged the F.I.R. The aforesaid fact was mentioned in the body of the FIR and was also stated by P.W.3 & 6 during their examination. Learned Addl. P.P during the course of the argument pointed out that due to the aforesaid reason the F.I.R could not be lodged soon after the occurrence. On perusal of the case record it reveals that in order to justify the aforesaid reason the prosecution had examined certain witnesses like P.W-2, 4, 5 & 11 but those witnesses did not support the case of the prosecution. As because those persons did not support the case of the prosecution that does not mean the case of the prosecution case is unreliable. Because now it is a general tendency of common people that usually they do not get themselves involve in the matter of others and treat a crime as an issue between two individuals.

9. That apart the delay in lodging the F.I.R by a rape the victim can not be a ground for reject the prosecution case. The said delay could have been caused due to variety of reason particularly reluctance of the prosecutrix or her family members to to go the police and complain about the incident which concerns the reputation of the prosecutrix and honour of the family. The attack on the prosecution case on the ground of delay in lodging of the F.I.R has almost bogged down as a stereo-typed redundancy in criminal cases. It is a recurring feature in most of the criminal cases that there would be some delay in furnishing the first information report to the police. It has to be remembered that law has not fixed any time for lodging the F.I.R. Hence, delayed F.I.R. is not illegal. Of course a prompt and

immediate lodging of the F.I.R. is the idea as that would give the prosecution a twin advantage.

First is that it affects commencement of investigation without any time lapse secondly is that it expels opportunity for any possible concoction of a false version. Barring these two plus points for promptly lodged the F.I.R. The demerits of the delayed F.I.R. do not operate any fatal to the prosecution case. However it only puts the court on guard to search for to consider if any explanation has been afforded for the delay. Here in this case as revealed from the case record the father of the prosecutrix is dead. She was staying with her widow mother. In this circumstance her predicament can be very well understood. That apart the reason for delay in lodging FIR is clearly mentioned by P.W.3 & 6.

The second ground on which the learned counsel for the defence raised suspicion over the prosecution story is that the first FIR scribed regarding the occurrence was suppressed. In this regard the learned counsel appearing for the accused drew the attention of the court to para-5 of the cross examination of P.W.3 wherein it was stated by P.W.3 that "she had scribed the F.I.R. at her house and had gone to Banpur P.S.. But the O.I.C. asked to lodge the F.I.R. being signed by her daughter and threw away the F.I.R. scribed by her". In this regard the learned counsel for the defence submitted that as the first FIR was not brought to the knowledge of all and was suppressed it shall be presumed that it was unfavourable to the prosecution case for that only it was suppressed. On careful scrutiny of the statement of the said witness it reveals that she was asked by the O.I.C. Banpur P.S. to give F.I.R. being signed by the victim. Apart from that there was no alteration which was suggested or done by P.W. 3. It is true that the original report should be treated as FIR and if it was suppressed then

negative inference can be drawn. At the same time it was also upon the defence to show as to how the second report resulted in a tainted, embellished and exaggerated story. As revealed from statement of P.W.3 it was only said to give the report being signed by prosecutrix and on the same day at the P.S. Itself the present report was scribed and lodged. So it can't be said that it resulted in tainted, embellished and exaggerated story. Thirdly the case of the defence that the wearing apparels were not produced. However on perusal of the case record it reveals that the said items were seized by the I.O vide seizure list marked as Ext. 2 and send the same for S.F.S.L Rasulgarh for examination. Only on the ground of non-production of the wearing apparels it can not be said that the case of the prosecution is not believable. So considering the aforesaid statements of the witnesses, the objection so raised by the defence I am of the view that the statement of the prosecution witnesses are found to be reliable, cogent and trustworthy. At the same time it also can be said that the prosecution could able to prove the case beyond reasonable doubt.

11. As mentioned earlier the above named accused stood charged U/s 456/376 I.P.C. So far as Section 456 of I./P.C is concerned it deals with punishment of lurking house trespass or house breaking in the night. To prove a case U/s 456 of I.P.C for lurking house trespass the prosecution must prove that (i) that the accused committed lurking house trespass (ii) that the same was committed after sun set & before sunrise. In case of house breaking (i) that the accused committed house breaking (ii) that the same was committed after sun set & sun rise.

Here in this case as revealed from the case record the accused had gone to the house of the prosecutrix, asked her money on the ground that her mother had asked for it. Then entered inside the

house after the prosecutrix, locked the door. When the prosecutrix raised shout he threatened to do away with her life by showing a knife. Out of fear the prosecutrix could not say anything then the accused committed rape and fled away. The definition of house breaking is provided U/s 445 of I.P.C. The alleged act of the accused falls in the category number five which reads as follows:- 'if he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault.' As discussed earlier the accused made his way into the house and closed the door from inside on the point of knife. Similarly while he made his departure the prosecutrix could not do anything as the accused had threatened her with the knife. So considering the aforesaid fact I am of the view that the offence U/s 456 of I.P.C is well made out. Hence he is convicted thereunder.

12. Apart from the offence U/s 456 I.P.C the accused also charged U/s 376 of I.P.C for having committed the offence of rape. To establish a case U/s 376 I.P.C prosecution must prove that (i) that the accused had sexual intercourse with the woman in question (ii) that the act was done under circumstance falling under any of the 7 descriptions specified in Section 375 I.P.C. (iii) that such woman was not the wife of the accused or if she was his wife she was under 15 years of age (iv) that there was an act done by the accused in any of the manner described in Section 375 I.P.C.

13. As discussed in the preceding paragraphs the accused had committed sexual intercourse with the prosecutrix who is not his wife and without her consent and will. There was also penetration of his penis into the vagina. The medical report marked as Ext.5 also corroborated to that effect which disclosed about the existence of old tear of hymen at 6 'O' clock position. The medical report of accused

marked as Ext. 7 also discloses that he is capable of performing sexual act. This being the evidence on record I found that the prosecution could not be able to prove the alleged offence U/s 376 of I.P.C.

From the above discussion I found the accused guilty for the offence U/s 456/376 of I.P.C and he is convicted thereunder. So far as rendering the beneficial provision of P.O. Act is concerned considering the nature and gravity of the alleged offence I am of the opinion that the same shall not be rendered to the accused at the same time for the selfsame reason I also do not feel it proper to release him under section 360 Cr.P.C.

Asst. Sessions Judge, Banpur.

HEARING ON THE QUESTION OF SENTENCE

Heard the convict, Learned counsel for the convict and Learned Addl. PP on the question of sentence. The Learned Counsel for the convict submitted that the convict is a first offender having no criminal antecedent against his name. Hence lenient view may be taken in awarding sentence, whereas the Learned Addl. P.P. Prayed to impose stringent and exemplary punishment to the convict.

Considering the magnitude of the offence, taking the aggravating and mitigating factors into account the convict is sentenced to undergo Rigorous Imprisonment for a period of 7 (seven) years and to pay a fine of Rs. 1,000/- (Rupees one thousand), in default, to undergo Rigorous Imprisonment for a period of 1 (one) month for the offence punishable under section 376 I.P.C. At the same time the convict is also sentenced to undergo Rigorous Imprisonment for a period of 1 (one) year and to pay fine of Rs. 1,000/- (Rupees one Thousand), in default to undergo Rigorous Imprisonment for 1 (one) month for the offence u/s 456 I.P.C. Both the sentence shall run

concurrently. The period of detention as UTP be set off from the sentence of imprisonment as per section 428 Cr.P.C. The fine if paid by the convict be given to the victim towards compensation for the injury caused by the offence, in terms of section 357 of the Cr.P.C. Since the amount of compensation is not sufficient in commensurate to the injury caused to the prosecutrix, this case is recommended to the District Legal Services Authority, Khurda at Bhubaneswar under section 357-A of the Cr.P.C to award more compensation under Victim compensation scheme to the victim.

The seized articles if any be destroyed after four months of expiry of the appeal period if no appeal is preferred and in case of any appeal the same shall be dealt with as per the order of the Appellate court.

Asst. Sessions Judge, Banpur.

Typed to my dictation & corrected by me. Judgment being sealed and signed is pronounced in the open court today i.e. on 21st day of January,2015

Asst. Sessions Judge, Banpur.

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION.

P.W.1.	Arjuna Tripathy
P.W.2.	Dillip Patra
P.W.3.	Laxmi Patra
P.W.4	Kartikeswar Senapati
P.W.5	Braja Kishore Subudhi
P.W.6	The name of the victim is withheld to preserve anonymity of victim.
P.W.7	Sudarsana Naik
P.W.8	Laxmidhar Naik
P.W.9	Digambar Kalapahada

P.W.10 Dr. Minati Pattnaik.
 P.W.11 Bhimaraj Patra
 P.W.12 Purusottam Pradhan
 P.W.13 Dr. Rankanath Behera.
 P.W.14 Krushna Prasad Mishra.

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE.

NONE.

LIST OF EXHIBIT MARKED FOR THE PROSECUTION.

Ext.1. F.I.R.
 Ext.1/1. Signature of P.W.6 on Ext.1.
 Ext. 1/ 2 Signature of P.W.14 on Ext.1.
 Ext.2 Seizure list.
 Ext. 2/1 Signature of P.W.6 on Ext.2.
 Ext.2/2 Signature of P.W.14 on Ext.2.
 Ext.3 Seizure list.
 Ext.3/1 Signature of P.W.8 on Ext.3.
 Ext.3/2 Signature of P.W.14 on Ext.3.
 Ext.4. Seizure list.
 Ext.4/1 Signature of P.W.9 on Ext.4
 Ext.4/2 Signature of P.W.14 on Ext.4
 Ext.5 Report of P.W.10
 Ext.5/1 Signature of P.W.10 on Ext.5.
 Ext.6 Seizure list.
 Ext.6/1 Signature of P.W.12 on Ext.6
 Ext.6/2 Signature of P.W.14 on Ext.6.
 Ext.7 Report of P.W.13.
 Ext. 7/1 Signature of P.W.13 on Ext.7
 Ext.8 Spot map.
 Ext. 8/1 Signature of P.W.14 on Ext.8
 Ext. 8/2 Medical report of accused.
 Ext.9. M.O. Opinion regarding age dtd. 18.06.02.
 Ext.10 Report of P.W.10.
 Ext.10/1 Signature of M.O on Ext.10.

LIST OF EXHIBIT MARKED FOR THE DEFENCE.

NIL.

Asst. Sessions Judge, Banpur.