

MEGHALAYA JUDICIAL SERVICE GRADE-I, 2013

PAPER – III

Duration- 3 hours

Total Marks-100

(All questions are compulsory and answers should be given in English)

(Marks are indicated against each question)

[Candidates shall refer to the relevant decisions of the Apex Court and the High Courts and mention the relevant provisions of law wherever necessary]

1. Write notes on any two of the following: 2x5= 10
 - (a) "Freedom of Press" as implicit in the Article 19(1)(a) of the Constitution.
 - (b) Powers of the President and the Governor to promulgate ordinances.
 - (c) Directive of Principles of State Policy as contained in Part IV of the Constitution.
 - (d) Administration of the Scheduled and Tribal Areas.
2. Discuss the doctrine of classification and reasonableness for the application of the right of equality as enshrined in Article 14 of the Constitution with the help of relevant case laws.

10

OR

Discuss the concept of free and compulsory education as mandated under Article 21-A of the Constitution vis-à-vis the rights of the minorities to protect their identities and to establish and administer educational institutes of their choice as provided under Article 29 and 30 of the Constitution with respect to the judgments of the Apex Court in the cases of *TMA Pai Foundation vs. State of Karnataka*: (2002) 8 SCC 481 and *Society for Unaided Private Schools of Rajasthan vs. Union of India*: (2012) 6 SCC 1.

10

3. Explain the List-I, List-II and List-III as provided in the VII Schedule of the Constitution. Where does the residuary power lie to legislate on matters not included in the above three lists? What happens in case of inconsistency between laws made by Parliament and laws made by the Legislatures of the State in respect of matters enumerated in List-III?

10

OR

What are the different types of writ? Compare the powers of the High Court and the Supreme Court as provided under Articles 226 and 32 of the Constitution.

10

4. Write short notes on any two of the following: 2x5= 10

- (a) Austin's theory of "Law as command of Sovereign".
- (b) Custom as a Source of Law.
- (c) Ratio Decidendi and Obiter Dicta.
- (d) Theories of Punishment in criminal jurisprudence.

OR

Discuss the concept of "Ownership" and "Possession".

10

5. Write a judgment on the basis of the Paper-Book supplied, by discussing the evidences briefly and by giving reasons as well as findings.

60

PAPER BOOK

S.T. No.92/94/8/94/9/99 OF THE COURT OF ADDL. SESSIONS JUDGE: MAINPUR EAST

The State of Manipur

- Versus -

Thingbaijam @ Thangjam Ibotombi Singh Accused persons

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Ext. P-5
Original Ejahar

English Translation of Ext. P/5

To

The O.C. Lamsang P.S.

Subject :- Request for arresting accused person, Shri Thangjam Ibotombi Singh s/o Shri Th. Mangi Singh of Irengbam Village, Bishnupur District.

Sir,

I have the honour to state that today, i.e., 17/9/89 (Sunday) at about 5.40 a.m. my deceased son Shri Laishram Muhindro was travelling in a passenger bus called "Shakutatia" and when reaching near a place called Utloou Teramakhong, he was stabbed by the above said accused Shri Th. Ibotombi Singh. He was evacuated to the District Hospital and when I reached the said hospital, he was found dead inspite of giving treatment. When I asked my son Tiken Singh he told that my deceased son Mohindro Singh had died before reaching the hospital in the morning.

I, therefore, request you for taking necessary legal action against the accused and punishing him in accordance with law.

Yours faithfully,
Laishram Dhono Singh
Irengbam Village, Manipur
Dated 17/9/89.

EXT.P/10

FIRST INFORMATION

FIRST INFORMATION OF A COGNIZABLE CRIME REPORT UNDER SECTION 154 CRIMINAL
PROCEDURE CODE AT POLICE STATION

Sub-Division - Imphal West

FIR No. 98(9)/89 Lamsang Police Station u/s 302 IPC, date & hour of occurrence - 17/9/89 at 5.40
a.m.

Date and hour when reported :- 17/9/89 at 10.20 a.m.

Place of occurrence & distance and direction from the Police Station :-
In the bus of MN-01 A3715 near the Utlu Teramakhong Road.

Date of dispatch from Police Station :- 17/9/89.

Name & residence of the informant/complainant : Laishram Dhono Singh (55) son of late Amu
Singh of Irengbam Village.Name and residence of accused :- Thangjam Ibotombi Singh (30) son of Th. Mangi Singh of
Irengbam Village.Brief description of offence with section and of property carried of, if any: - Murder;
Punishable under Section 302 IPC.Step taken regarding investigation, explanation of delay in recording information :- I,
Inspector S. Nityai Singh, O.C. Lamsang P.S. will please investigate the case.
Result of the caseSigned //legible
Designated Inspector/O.C. Lamsang P.S.
Dated 17/9/89

**EXT. P/13
COUNTER FOIL
CHARGE SHEET**

Name, address and occupation of complainant or informant :

Shri Laishram Dhono Singh, (55) son of late L. Amu Singh of Irengbam Village..

Name and address of accused persons sent up for trial whether arrested or not arrested, including absconders (show absconder in red ink) :- Nil.

Name and addresses of accused persons sent up trial :

In custody :- Thingbajam alias Thangjam Ibotombi Singh (28) son of Th. Mangi Singh of Irengbam Mamang Leikai, Rifleman No. 22598 of A- Coy 1st BN, Manipur Rifles, Imphal.

Property including weapons found with particulars of where, when and by whom found, and whether forwarded to Magistrate :-

- (1) One blood stained Sky Blue colour full sleeve shirt having 3 cut marks
- (2) One blood stained Ash coloured Long pant seized by S. Nityai, Inspector, O/C, Lamsang P.S. on 17/09/69 at 11 a.m. at District Hospital
- (3) Bus No. MN-01A 3715
- (4) Blood scraps from the front left side door steps
- (5) Blood scraps from inside the passage way of the Bus seized by Inspector S. Nityai on 17/09/69 at 11.15 a.m. at Hospital.
- (6) One commando knife length about wooden handle having reddish stains like blood length about 11 1/4 inches long, seized by Inspector S. Nityai on 17/09/69 at 3 p.m. at 1st M.R. Adjutant Office Room
- (7) One full long sleeve shirt having white and light blue/black strips of cross checks bearing blood like stains on lower right sleeve.
- (8) One long pant of light grey greenish coloured having one right (illegible)

Name and addresses of witnesses:

1. Complainant
2. Laishram Tiken Meltel (26) of Irengbam Kharup Leikai
3. Ngangom Nilachandra Singh (22) of Irengbam Maning Leikai
4. Oinam Nimai (26) of Oinam Mamang Leikai
5. Thingbajam Ibomcha Singh (40) of Irengbam Manang Leikai
6. Smt. Oinam Ningol Chaobihal Devi (36) of Irengbam Maning Leikai
7. Smt. Mutum Ningol Laishram Ongbi Chaobi Devi (46) of Irengbam Kharup
8. Chungkham Ningol Irengbam Ongbi Amubi Devi (40) of Irengbam Khunou
9. Hanglem Ningol Irengbam Ongbi Tombimacha Devi (43) of Irengbam Khunou
10. Smt. Tongbram Ningol Naorem Ongbi Ibeton Devi (65) of Kongkham Awang Leikai
11. Oinam Ningol Nongmaithem Ongbi Debaki Devi of Kongkham Village
12. Irengbam Amusana Singh of Irengbam Mamang Leikai
13. Phanjabam Ibopishak Singh of Akham Village
14. Konthoujam Khamba Singh of Haorang Sabal

15. Irengbam Shanti Singh of Irengbam Khunou
16. Irengbam Shyam Singh of Irengbam Khunou
17. O. Nillamani Singh, A/C Commandant, 1st M.R.
18. S. Gogoi, Hav., 1st M.R.
19. M. Angousana Singh, L/Nk. Of 1st M.R.
20. Inspector S. Nityai
21. Inspector I. Dijen Singh, O/C Lamsang P.S.
22. Dr. H. Nabachandra Singh, Asstt. Professor, Forensic & State Medicine, RMC, Lamphel
23. R.N. Dutta, Assistant Director, Serology Division, Forensic Science Laboratory, Assam.

Charge or information. Names of offences and circumstances connected with it in concise details and under what section of law charged:-

The brief story of the case is that on 17/09/89 at 10.20 a.m., the complainant lodged a written report with O/C Lamsang P.S. stating that in that morning at 5.40 a.m. his son, Shri L. Mohendro Singh was stabbed on chest by the accused Thangjam Ibotombi Singh on a bus No. MN01A/3715 SHAKUNTALA on Imphal-Tiddim Road near Utlu Tera Makhong while the deceased was travelling from Irengbam towards Imphal in that bus. The injured L. Mohendro Singh succumbed to his injuries on way to Hospital on the same morning. Hence, a regular case under FIR No. 98(9)/89 Lamsang P.S. U/S 302 IPC registered for investigation and investigated into. During the course of investigation, the complainant was examined. He fully corroborated the O.E. Examined good number of witnesses who also supported the statement of the complainant in toto. Visited the spot. Inquest and P.M. Examination were also done minutely. The M.O. concerned who conducted the P.M. Examination gave opinion that the cause of death of the victim was due to injuries to heart, lung and liver by sharp, pointed object and homicidal in nature. Blood stain clothes of the deceased, sample of blood from the spot was seized timely. The weapon of offence was also seized from the possession of the accused. The accused person was arrested on 17/09/89. On interrogation, admitted to have committed the offence. The expert opinion in favour of the prosecution but the sample of the blood of the deceased found in the involved bus No. MN01A 3715 and blood stain found on the weapon of crime i.e., one Commando knife could not be determined due to denaturation of blood. Hence, there is prima facie case punishable u/s 302 IPC against the accused person.

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, IMPHAL

Crl (P) Case No.302/1994

State

Vs.

Th. Ibotombi Singh Accused

Committal Order

Date 18/3/1994

Accused is produced before this Court from the jail hazoot.
Provisions of the Section 207 CrPC is fully complied inasmuch as all the relevant papers mentioned in Section 207 CrPC had been furnished to the accused.

It appears that the accused is charge-sheeted under Section 302 IPC. The offence under Section 302 IPC is exclusively triable by the Court of Sessions. Accordingly, the case is committed to the court of the Sessions Judge, Manipur East. Let the C/R and C/D and seized articles be transmitted to the Court of Sessions Judge, Manipur East.

Notify the learned PP in charge of the Court of Sessions Judge, Manipur East.

The accused is to be produced before the Court of Sessions, Manipur East on 24/1994.

Sd/-
CJM, Imphal.

CHARGE

I, Shri H. Kamini Kumar Singh, Sessions Judge, Manipur East, hereby charge you, Shri Thingbajam alias Thangjam Ibotombi Singh (28) S/o Th. Mangi Singh of Irengbam Mamang Lekal, Rifleman No. 22598 of A-Coy, 1st Bn., Manipur Rifles.

as follows:-

That you on 17/09/89 at 10.20 a.m. committed murder by intentionally, Utou Tera Makhong causing the death of Shri Laishram Mohendro, son of Dhono Singh and thereby committed an offence punishable u/s 302 Indian Penal Code and within the cognizance of the Court of Session.

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

Dated, this 20th day of May, 1994.

(H. Kaminikumar Singh)
Sessions Judge, Manipur East.

This charge is read over and explained to the accused in the language he understands. He pleads not guilty and claims to be tried.

Signature of accused

(H. Kaminikumar Singh)
Sessions Judge, Manipur East.

PLEA OF THE ACCUSED

Q. No. 1. Have you understood the charges framed and explained to you?

Ans:- Yes, I understand.

Q.No. 2. Do you plead guilty to the aforesaid charge?

Ans:- No, I plead not guilty. I claim for trial.

This charge is read over and explained to the accused in the language he understands. He pleads not guilty and claims to be tried.

Signature of accused

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 89

Deposition of Witness No. **P.W. No. 1** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this 13th Day of March, 1995 in the English language.

My name is **Oinam Nimai Singh**, aged about 31 years
 Father's name late Achou
 Resident of Oinam P.S. Nambol Occupation: Driver
 take on solemn oath before Addl. S.J., Manipur

I am a driver by profession. About 5/6 years back I was the Conductor of Bus No. MN0-1/A-3715 (Shakuntala Bus). The owner of the vehicle was Chaobihal Devi of Irengbam.

2. I know the accused now present before the Court. He belongs to Irengbam. The Bus No. MN0-1/A-3715 was serving as a line bus on Tiddim road from Imphal to Churachandpur (NCC). So the said bus left Irengbam in the early morning at about 8 a.m. daily for Imphal. The name of the bus was Shakuntala.

3. About 5/6 years ago i.e., on 17.9.89 at about 5.20 a.m. the said bus Shakuntala left Irengbam for Imphal. Some women passengers and other 6/7 male passengers boarded on the said bus from Irengbam. Both the accused Ibotombi Singh and deceased Muhindro boarded in the said Shakuntala bus from Irengbam. I took the fare of the passengers. The accused Ibotombi paid Rs. 3/- (Rs. 2/- for him and one rupee for one another passenger who was sitting with him). The deceased Muhindro was also paid Rs. 4/- (Rs. 2/- for him and another Rs. 2/- for his friend sitting with him). While I was taking the bus fare from the passengers in front seat of the deceased Muhindro Singh, I heard the noisy sound among the passengers with the words that "MEE KHATNARE MEE KHATNARE" (*men are fighting, men are fighting*). On getting the noisy sound I looked backward and found that the accused Ibotombi Singh was holding a Thang (knife) measuring about 6"7" long without handle in his hand and the deceased Muhindro Singh was holding his both hands on the chest with pool of blood and move towards the front door of the bus and he suddenly fell on the front door of the bus.

4. The accused Ibotombi Singh was shouting by stating that "EIGI INAKTA CHANGLAKANU, EISHA SHOKLAKANU, SHININGDRABADI" (*don't come near me, don't touch me if not want to die*) and he moves backward, by stating the words "EIGI ISHA SHOKLAKANU NATHWAI MANGNINGDRABADI" (*Don't touch my body if you are not willing to die*) to the back door of the bus in the midst of the standing passengers. As threatened by the said accused Ibotombi Singh the passengers of the said bus did nothing else and we stood aghast. The occurrence took place in the bus while the said Shakuntala bus reached at or near Utluu Teramakhong on Tiddim Road. The bus was stopped a little far from the place of occurrence and the accused Ibotombi Singh escaped from the bus.

5. Smt. Chaobihal Devi, the owner of the Shakuntala Bus. was also in the said bus on that day and she informed to us that she will be back to Irengbam for giving information about the

occurrence to the family of the deceased Muhindro Singh. Smt. Chaobihal Devi left the place, where the bus was stopped for Irengbam. Then we brought the deceased (injured) Mohindro Singh to the District Hospital, Imphal in the said bus for medical treatment. When we reached at the District hospital, Imphal doctor of the said hospital informed us that the injured Mohindro was dead due to stab injury. I can identify the said Thang (knife) if shown to me.

XXXXXX by the counsel of the accused.

6. It is not a fact that I do not know the present accused person who is sitting in the dock. It is also not a fact that the alleged occurrence was never committed inside the Shakuntala bus in 17.9.89 at about 5.20 p.m. It is also not a fact that I had never taken the fare of the passengers from the deceased as well as the accused person of a sum of Rs. 4/- and Rs. 3/- respectively as their bus fare. It is also not a fact that while I was taking the bus fare from the passengers, I had never heard noisy sound among the passengers with the words MEE KHATNARE MEE KHATNARE (*Men are fighting, men are fighting*). It is also not a fact that on getting the noisy sound I had never backward and see that the accused Ibotombi Singh was holding a knife measuring 6 1/2" length in his hand and I also could not see the sudden fall of the deceased Muhindro Singh on the front of the bus. It is also not a fact that I could not see the deceased Muhindro fall on the front door of the bus.

7. It is also not a fact that the accused Ibotombi Singh was never shouted the words EIGI INAKTA CHANGLAKANU NATHWAI MANINGDRABADI (*Don't come near me if you are not willing to die*) and he escaped from the back door of the said bus. It is also not a fact that the occurrence was never took place inside the bus which is known as Shakuntala Bus.

8. I deny the suggestion that Smt. Chaobihal Devi who happens to be the owner of the bus never boarded the said bus on this particular day at that relevant time. It is true that one bus which is also know as Babita bus belongs to Irengbam Budhi Singh is also plying from Imphal to Churachandpur as a passenger bus. I cannot say that whether the said Babita Bus has already left or not. I deny the suggestion that the said Shakuntala bus just picked up the injured Muhindro Singh and proceeded to the District Hospital for his treatment and I deny that the occurrence was never committed inside the said Shakuntala bus. I deny the suggestion that I was influenced by the relatives of the deceased person and accordingly I am giving the false statement before the court to punish the present accused with malice. It is also not a fact that Smt. Chaobihal Devi was never getting down from the said Shakuntala bus for giving information to the relative of the deceased person. I deny the suggestion that the accused Ibotombi Singh was never boarded the said Shakuntala Bus on the alleged day and time.

R.O. & A.C.

Addl. S.J., Manipur.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. P.W. No. 2 for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on 19.8.95 in the English language.

Name : Irungbam Shanti Singh 24 years

Father's name : I. Biramangol Singh

Address : Irungbam Mayai Leikai, P.S. Nambol, District Bishnupur, Occ. Govt. Employee
 take solemn oath in presence of Shri M. Binoykumar Singh, Addl. S.J/M.E.

I know the deceased Shri Mohendra Singh as he was a resident of my village. The said Mohendra Singh died about 10 years ago as a result of stabbing injury. One day about 7 years ago at about 10 a.m. while I was at Imphal town near Wahengbam Leikai I received an information that one person of our village has been brought at the District hospital as a result of stabbing injury and accordingly I rushed to the District hospital, Imphal to know about the death. When I reached at the District hospital I saw Shri Tiken Singh, the younger brother of the said deceased Mohendra Singh. When I met the said Tiken Singh I asked him who was the injured person and to which he replied that the injured person was his elder brother, Mohendra Singh. At that time I saw the dead body of the said Mohendra Singh inside the hospital.

2. After about 20 minutes of my arrival there some police personnel of Lamsang P.S. as led by the O.C. also arrived there. Immediately, after the arrival of the said police personnel Shyam Singh of my village also arrived there. Thereafter the O.C. requested us to be a witness at the time of holding the inquest of the dead body and accordingly we 3 accompanied the O.C. upto the place where the dead body was found inside the hospital. Thereafter, the O.C. opened the Chadar (cloth) which was found covering the dead body in our presence. Thereafter the O.C. held inquest over the dead body in our presence. On seeing the dead body I saw 2 stabbed injuries on the right side of the chest and one stabbed injury right side of the belly just below the rib. I saw the injured portion was found tied up with a piece of cloth but it was also removed by the O.C. at the time of the inquest held by the O.C. I also saw one scratch marked on the left hand near the armpit of the left hand. All these facts were recorded in our presence by the O.C. I also saw staining blood on the shirt and long pant of the deceased.

3. Thereafter the O.C. seized the blood stained shirt and long pant of the deceased in our presence. After knowing the contents of the inquest report and seizure memo, we three namely, the said Tiken Singh, Shyam Singh and myself signed on the said inquest report and seizure memo, after knowing its contents. Ext. P-1 is the inquest report bearing my signature Ext. P/1-1. Ext. P/1-2 and P/1-3 are the signatures of the said Shyam Singh and Tiken Singh respectively who put in my presence. At the time of holding inquest by the police the said deceased was identified by the said Tiken Singh in our presence before the I.O. Ext. P/2 is the seizure memo for the seizure of the said blood stained sky blue colour full shirt and one blood stained long pant bearing my signature at Ext. P/2-1. Ext. P/2-2 is the signature of the said Shyam Singh who put in my presence. I shall be able to identify the said clothes if shown to me. Ext. M.O-1 is the said blood

stained shirt taken out and seized by the O.C. from the deceased person. At the time of seizure the said shirt has got 3 cut marks on its left side of the front portion. Ext. M.O.-1-1, M.O.-1-2 and M.O.-1-3 are the said cut portions. Ext. M.O.-2 is the said long pant seized by the O.C. from the person of the deceased. I saw one bus named as Shakuntala plying from Imphal - Churachandpur parked at the District hospital. After holding the said inquest and the seizure of the said clothes and the deceased was again brought to the RMC morgue in the said bus. I also followed them by sitting inside the said bus.

X X X X. by the defence counsel of the accused.

4. It is not a fact that I was never present at the District hospital, Imphal on 17.9.89 at the time of conducting the inquest on the dead body of the deceased Mohendro Singh. I deny that the Ext P/1 and P/2 are also false and fabricated one. I deny that the contents of the Ext. P/1 and P/2 was never read and explained to me to the language known to me. It is also denied that I was never present at the time of the seizure of Ext. M.O.-1 and M.O.-2.

R.O. & A.C.

Addl. S.J., Manipur.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 3** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this 2nd Day of September 1995 in the English language.

P.W. No. 3 Dt. 2.9.95

Name : **Smt. Chaobihai Devi**, aged : 41 years, W/o : **I. Bhorot Singh**, Address : **Irengbam Mayal Leikal, P.S. Nambol, Bishnupur District, Manipur**

Occ. Household

take solemn oath in presence of **Shri M. Bincykumar Singh, Addl. S.J./M.E.**

I know the accused now present in the dock as he is my co-villager living at Mamang Leikal. I have got one passenger bus named as Shakuntala plying from Imphal to Churachandpur. My bus bears No. 3715 and it has its capital letter as MNO-1/A putting ahead of the said 3715 as the registration No. of my bus. My bus Shakuntala is the only bus named as Shakuntala plying from Imphal to Churachandpur from the date of its use in the said route. One day at about 6 years ago at about 5 a.m., my said Shakuntala bus started from my house for proceeding towards Imphal carrying some goods such as sugarcane and "Pal"(vegetable) as driven by Ngangom Nilachandra Singh of my village. One Oinam Nimal Singh also engaged for my said bus as a Conductor. On the said day the said Nimal Singh also has boarded in the said bus from my house. When my said bus reached near Irengbam Kangleibung (playground) one Mohendro Singh of my village whom I know before also boarded beside my bus along with one person namely, Amusana Singh who is also a resident of my village. I know the said Amusana Singh from before. After proceeding about 2 electric posts from the said place of first stoppage I saw the accused making a sign for stopping my said bus and accordingly the bus stopped and the accused was seen boarding inside the bus from the back side of the door. At the time of starting the said bus from my house I saw about 10 passengers, mostly are women boarded in the said bus. They are all from my village. I cannot now remember the names of those passengers who were boarded on that day due to lapse of time. Thereafter, the bus stopped at Oinam Bazaar for picking up passengers. We picked up about 3 to 4 passengers from Oinam bazaar. Thereafter, we proceeded to Imphal bazaar via Imphal Nambol bazaar but I cannot now remember whether the bus again stopped at Nambol bazaar due to lapse of time. During the journey I took my seat in the first row of 3 seated seat at the window side i.e. just behind the driver. Two other lady persons were also sitting in the said first row wear behind me. After crossing the Uffou bazaar, I heard a sound like "On" made by the said deceased Mohendro Singh. Thereafter, I turned back and saw my Conductor Nimal Singh standing facing with the accused at the middle portion of the space lying in between seats leading from the front portion of the bus upto the back portion. I saw the accused at the time holding a small knife in his hand. On seeing the condition I think that the said Conductor might not have refund the balance money of the accused and so I asked the Conductor Nimal Singh to refund the money immediately.

The passengers also shouted for stopping the bus saying as SHINABA TARE SHINABA TARE ~~might be dead, might be dead~~ and accordingly the speed of the bus slow down and stopped ~~after~~ proceeding about 3/4 electric post from Utou bazaar. At the time of stopping the bus I stood up and saw the deceased Mohendro Singh falling near the front door facing downwards with severe bleeding injury. I did not see the accused in which direction he escaped after stopping the bus. Nobody picked up or attended upon the said Mohendro Singh at the relevant time but I cried for help being a co-villager of the deceased Mohendro Singh. In the meantime out of fear the lady passengers were all got down from inside the bus. However, I requested them to board inside the bus again. After a while some 2/3 male passengers picked up the injured person and kept on a 3 seated seat. I asked the driver to carry the injured person to the doctor with the passengers immediately for medical treatment but I remained behind in order to give information to the family members of the said injured Mohendro Singh. In the meantime, I saw the sad but left the place towards Imphal and I remained behind there. While I was standing near the said place I saw two young men coming on a scooter and Yamaha bike respectively and I stopped them and requested them to carry me upto Nambol Bazar for giving the said information. The person who drove the scooter carried me upto Oniam Bazar along with the said Yamaha driver. On reaching the Oniam Bazar, I again boarded in a jeep which was hired by me from Oniam Bazar and thereafter proceeded to the house of the deceased. On arrival at the house of the deceased I saw no one woke up from sleeping. It will be about 5.30 a.m. when my said bus stopped at the said place of stopping my said bus about occurrence. So I woke up the family members of the deceased and gave the information about the occurrence to the mother of deceased in presence of some other family members. Thereafter, I returned back to Oniam Bazar again in the said jeep along with some members of the deceased family. After leaving me at Oniam bazaar, the family members whom I came with proceeded to the doctor in the said jeep.

X X X X by the defence counsel of the accused.

2. It is true that I have given the statement u/s 161 Cr.P.C. to the police. The portion of the statement which is given in my in-chief by the words running as "when my said bus reached near the Irengbam Kangjeibung (playground). Accordingly the bus stopped and the accused was seen boarding inside the bus from the back side of the door" was given to the police but the same is not found in the 161 Cr.P.C. statement recorded by the I.O. I deny that the above portion of the statement is given with an improvement after thought. I deny the statement which is running "two young men coming on a scooter and Yamaha bike respectively and I stopped them and requested them to carry me upto Nambol bazaar for giving the said information. The person who drive the scooter carried me upto Oniam Bazar along with the said Yamaha driver" stated in my examination-in-chief were also given after thought.

The attention of the witness is drawn to the statement recorded u/s 161 Cr.P.C. which is marked Y/1 for identification. It is true that the abovementioned portions of the statement are not found in the 161 statement marked Y/1 for identification. The witness volunteers that she has given the said statement that the said statement were not recorded by the I.O.

3. I deny the suggestion that on the said day I have not travelled in the said bus for going towards Imphal. I deny the suggestion that other two women were not in the said bus just behind me. It is not a fact that I have never heard the sound like "Oh" made by the deceased Mohendro

Singh and it is also not a fact that thereafter I have never turned back and saw the said Conductor Nimal Singh standing facing the accused at the middle portion of the space lying between the seats from the front portion of the bus upto the back portion. It is not a fact that I have never seen that the accused at that relevant time holding one small knife in his hand. It is also not a fact that the passengers were never shouted for stopping the bus saying as SHINABA TARE, SHINABA TARE (might be dead, might be dead). It is also not a fact that at the time of stopping the bus I have never stood up and never seen the deceased Mohendro Singh falling near the front door facing downwards with severe bleeding injury. I deny the suggestion that the incident was never occurred inside my bus. I deny that the said offence/incident was occurred in a bus which is known as Babita Bus. I deny that on this particular day, the accused Ibotombi Singh was never boarded on my said bus. I also deny that the said deceased Mohendro and Amusana Singh were never boarded in my said bus on that day. It is also not a fact that I have never boarded a jeep towards the Irengbam village for informing the parents of the deceased Mohendro Singh for occurrence. It is also not a fact that I have never informed to the mother of the deceased about the occurrence. I deny the suggestion that I have given the statement with the malice against the accused.

R.O. & A.C.

Addl. S.J., Manipur.

Examination-in-Chief on recall of P.W. No. 3, Smt. Chaobihal Devi is resumed today the 16th January, 1998 on fresh oath.

1. I am the owner of the bus bearing No. MN01-A-3715. At the time of the seizure of the said bus in connection with the present case it was written as Shakuntala. Recently its name has been changed to Jubilee Travels.

X X X X X by the ld. defence counsel

-NIL-

R.O. & A.C.

Addl. S.J., Manipur.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 4** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this 13th Day of December, 1995 in the English language.

Name : **Mutum Angousana Singh**, aged about 36 years, S/o M. Mani Singh, Address : Khongjom Mayai Leikai, P.S. Kakching, Occ.: Naik in 1st M.R., District Thoubail.
 take solemn oath in presence of Shri M.B.K. Singh, Addl. SJME

I have been working in the 1st M.R. for the last about 16 years as a Rifleman. Now, I am working as a Naik. I do not know the accused now present in the dock. I know Shri O. Nilamani Singh, the Asstt. Commandant, 1st M.R. On 17.9.89, I was the Guard Commander of Quarter Guard of 1st M.R. and on the same day at about 4.30 p.m., the then O.C. Lamsang P.S. had seized one Commando knife having wooden handle and one black umbrella on production by the accused in presence of myself and Havildar Maj. of the Bn. in the office of the Adjutant by preparing a seizure memo. Ext. P/3 is the seizure memo bearing my signature at Ext. P-3-1. I saw the said Ch. M. S. Gogoi Singh also in the said office of the Adjutant. I also saw the accused nearby the said room on that day. I shall not be able to identify the said knife and umbrella if shown to me due to lapse of time.

X X X X by the defence counsel.

2. There are separate buildings for the Riflemen and that of Adjutant's office. I do not know from whose possession the said black umbrella and Commando knife were seized. I put my signature Ext. P/3-1 after reading over the contents of it to me by the O.C.

R.O. & A.C.

Addl. S.J., Manipur.

Re-examination-in-chief on recall of P.W. No. 4, Shri Mutum Angousana Singh is taken today, the 27th May, 1997 on fresh oath.

1. I know the accused is present in the dock as he is a sepoy of our battalion.
2. At the time of the seizure of one Commando knife having wooden handle and one black umbrella, I was also present at the office of the Adjutant. Some Manipur Rifle personnel were also found in the said office looking into the matter. I saw the commando knife aforesaid and the black umbrella lying on the table of B.H.M., Battalion Havildar Major of our Battalion who was also occupying his seat in the same room of the Jamadar Adjutant of our Bn. At the time of the seizure of the said articles, the accused was also present near the said table along with the police personnel.
3. The statement given in my examination-in-chief that I saw was seizing of the said articles on production the accused is incorrect as I actually did not see the production of the same by the accused at the time of the seizure and therefore the statement given in the cross-examination that I do not know from whose possession the said articles were seized is correct. Through oversight I stated the factum of producing the said articles by the accused.

(At this stage the ld. Addl. P.P. prays the Court for allowing him to declare the witness as hostile and for allowing to put questions in the nature of cross. Allowed.)

4. (The attention of the witness is drawn to the relevant portion of the statement which is recorded u/s 161 Cr.P.C. is marked X2 to X2 for identification). I did not state the above statement before the I.O. at the time of examination. I also did not know how the police had recorded as such. I deny that I depose falsely in order to save the accused being a member of our battalion. The said S. Gogoi, who was the Company Havildar Major is not in service as he had already retired. He is out of Manipur. I do not know his present location. Ext. M.O.-3 appears to be the said knife seized by the police on the day. Ext. M.O.-4 is also appears the said umbrella seized by the police on the said day.

X X X X X by the learned defence counsel

-NIL-

R.O. & A.C.

Addl. S.J., Manipur.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 5** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this 14th Day of December, 1995 in the English language.

My name is **Smt. Amubi Devi** aged about 46 years, w/o I.Manglemba Singh of Irengbam Khunou P. S. Nambol, occupation - cultivator.

Take solemn oath in presence of Shri M.B.K. Singh, Addl. Sessions Judge, M.E.

I know the accused now present in the dock as he is my co-villager. I know the deceased Laishram Mohendro Singh as he is also my co-villager. The said Mohendro Singh died about 4/5 years ago but I am unable to say the exact year when he died. One day about in the early morning I boarded in the Shakuntala Bus belonging to one Chaobihai Devi of my village of my village in order to sell some "Pal" (**a kind of vegetable**) to Imphal bazar from near my gate. At the time of my boarding in the said bus some of my co-villagers, namely, Tombimacha Devi along with 4 or 5 women from my village also boarded in the said bus near my gate when the said bus was parking there. The said Chaobihai Devi, the owner of the said bus also boarded in the said bus when we boarded inside the said bus. Thereafter, the bus started driving towards the Imphal along the Irengbam road, and one Amusana Singh of Irengbam Village was also boarded in the said bus on the way to Imphal. The deceased Mohendro was also boarded in the said bus near the Polo ground of Irengbam Village. On the way to Imphal many other passengers also picked up by the said bus including from Nambol and Oinam Bazar. While we were travelling inside the said bus we heard a sound like MEE KHATNARE, MEE KHATNARE (**Men are fighting, men are fighting**) from the back side of the bus raised by some of the passengers sitting there. I and the said Tombimacha Devi sat occupied in the second row of 3 seated seat just behind the driver. I cannot now remember where the said Chaobihai was sitting in which seat due to lapse of time. I did not see at which place the accused Ibotombi Singh boarded in the said bus on that day. I heard the said sound when we reached near the Kodompokpi Lamkhai. On that day one woman also sat in the said seat where we occupied along with us. But I cannot now remember the name of that woman due to lapse of time. On hearing the sound I and the said Tombimacha Devi and other passengers also stood up and looked towards the back side of the said bus and saw the accused standing holding a knife at the middle portion of the bus, i.e., the space between the two rows of the seats. At that time I also saw the deceased Mohendro Singh having severe bleeding injury on his front portion of belly. I also saw the accused and deceased Mohendro Singh facing each other in a close distance. Thereafter, the bus stopped near the Kodompokpi Lamkhai and the said Mohendro Singh was seen taking out upto front door of the bus by the said Amusana Singh. The said Mohendro Singh laid down near the front door holding his injured portion by one of his arms and on seeing the condition the said Amusana and one Bhorot Singh of Oinam Village whom I know before, who were also in the said bus tried to take up the injured person on a three seated

seat of the bus. Thereafter, I did not see the accused. The said Chaobihal also got down from the bus for giving information about the occurrence to the family of the deceased. Thereafter, I along with some passengers of the bus rushed to hospital at Imphal in the said bus for medical treatment of the injured person and on reaching at the District Hospital, Imphal Bazar, the injured Mohendro Singh was declared to have been died as a result of the injury sustained by him. Thereafter, I left the bus carrying my said goods for selling out at the bazaar with the said Tombimacha Devi on a rickshaw. On that day there were about 40 passengers in the said bus.

X x x x x by the Id. defence counsel of the accused.

2. I deny the suggestion that I did not see any occurrence in the bus. I also deny the suggestion that I heard about the said occurrence from one Amusana Singh and Bhorot Singh of Oinam Village. I deny the suggestion that because of the commotion inside the bus I did not see what actually happened in the said Shakuntala bus on the said day. I also deny the suggestion that as a result of such commotion I did not see the accused Ibotombi Singh standing in the bus holding a knife in his hand. It is not a fact that accused Ibotombi Singh did not travel in the said bus on the day of occurrence. In the Irengbam Village there are other buses namely, Babita, Iraileima and others. All the buses of Irengbam used to ply towards Imphal in every early morning from the said village. I cannot say whether the said Babita Bus was plying ahead of Shakuntala Bus on the day of occurrence. I deny the suggestion that the deceased Mohendro Singh was already found injured at the Kodompokpi Lamkhai and he was taken in the said Shakuntala Bus from the said Kodompokpi Lamkhai. I accompanied the deceased Mohendro Singh upto the hospital room of the District Hospital, Imphal. I cannot say whether the said Shakuntala Bus has gone after leaving the deceased Mohendro and myself at the hospital or not. I deny the suggestion that I never seen Ibotombi Singh earlier and I am seeing him for the first time today in the court. It is not a fact that I did not travel in the said Shakuntala Bus on the day of occurrence from Irengbam to Imphal. I deny the suggestion that I am giving false statement against the accused person out of personal enmity between myself and accused. I also deny that I depose falsely.

R.O. & A. C.

Addl. S.J./ME.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : M.B.K. Singh, Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of **P.W. No. 6** on oath or solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969), on this 14th Day of December, 1995 in the English language.

My name is **Irengbam Tombimacha Devi** aged about 48 years, w/o I.Ibocha Singh of Irengbam Mayai P. S. Nambol, occupation – cultivator.

I know the accused now present in the dock as he is my co-villager. I also know the deceased Mohendro Singh who is also my co-villager. I know Smt. Chaobihal Devi who is the owner of the Shakuntala Bus as she resides in my village. One day in the early morning about 5/6 years ago I along with Amubi Devi came out from our respective houses for selling some sugarcane to Imphal Bazar. We boarded in the said Shakuntala Bus near our gate on the said day. I saw some passengers of our village sitting inside the bus when I boarded it. Thereafter, the bus started driving towards Imphal along the Irengbam Road. On the way the said bus picked up many other passengers also from place to place. On the way the said Mohendro Singh and one Amusana Singh also boarded in the said bus from near the polo ground of our village. I and the said Amubi sat together in a three seated seat on the front side of the bus but I cannot remember in which row I occupied along with the said Amubi Devi on that day due to lapse of time. After proceeding some distance along the Tiddim Road I heard a sound like MEE KHATNARE, MEE KHATNARE (*men are fighting, men are fighting*) in the back side of the bus raised by the passengers. On hearing the sound I looked towards the back side of the bus and saw the said Mohendro Singh sustained severe bleeding injury on his chest holding by one of his arms. The said Chaobihal Devi also boarded in the said bus on that day. At that time I saw there are 30 or 40 passengers in the said bus. I cannot remember the names of the passengers on that day due to commotion but the bus stopped as raided by the other passengers along the road.

2. I saw the injured person lying down near the front door of the bus and thereafter, he was picked up by the said Amusana Singh and one male passenger on a 3 seated seat. The said Chaobihal Devi got down where the bus was stopped thereafter, the bus proceeded towards Imphal carrying the injured person and stopped at the District Hospital, Imphal. On reaching at the hospital the said Mohendro Singh died due to the injury sustained by him.

(At this stage the Id. Addl. P.P. prays for declaring the witness as **hostile** and allowing her to cross examine. The prayer is allowed.)

(The attention of the witness is drawn to the relevant portion of the statement marked X/1 to X/1 for identification.) I do not know whether I have stated the relevant portion of the statement due to lapse of time. I deny that I saw the accused standing inside the bus in the space lying in between the rows of the seats holding a knife on that day. It is also not a fact that the accused Ibtombi threatened the passengers showing a knife not to touch his person on that day.

X x x x x by the Id. defence counsel.

4. It is not a fact that the deceased Mohendro Singh was already found injured and he was taken up in the said bus through its front door. It is true that from the hospital where the said bus

was stopped, I took down my sugarcane from the said bus and went to the bazaar alone on the rickshaw

R.O. & A.C.

Addl. Sessions Judge, M.E.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Addl. Sessions Judge, Manipur East
 Case No. : M.B.K. Singh, Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 7** for the recorded on oath or solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this 12th Day of February, 1996 in the English language.

My name is **Huldrom Nabachandra Singh** aged about 41 years, s/o H. Gopalmacha Singh of Sagolband Tera Loukrakpam Leikai P. S. Lamphel, occupation - Associate Professor, Forensic Medicine, RIMS, Lamphelpat.

I have been working in the Forensic Medicine Dept. of RIMS since 1980 in various capacities. During the course of my service, I have conducted more than 400 post mortem examination and as a result, I have earned sufficient experience in the field.

The witness is examined as an expert. On 17/9/89 at about 1.30 p.m., I examined the dead body Shri Lalshram Mohindro Singh, s/o L. Dhana Singh, aged about 30 years of Irembam Kharup Leikai of Bishnupur District as requested by the I.O. of FIR Case No. 98/9/89 Lamsang P.S. u/s 302 IPC as identified by the I.O. of the case and one L. Tiken Meetel who is the younger brother of the deceased.

2. On examination of the external parts of the dead body I found the followings:-
 - i. Height 5 ft. and 6 inches, weight 47Kgs. Having average physique and fair nutrition.
 - ii. Eyes and mouth partly opened, rigor mortis present all over the body, post mortem staining present on the back.
 - iii. Wearing apparels :- Blood soaked long pant, blood stain on his shoes and socks.

3. **EXTERNAL INJURIES**

- I. Stab injury 2 X 1 cm horizontally placed on right side front of chest, 3 cm from midline at 3rd intercostals space with downwards beveling. The track passes through chest wall cutting sternum, media-stinum, pericardium and penetrate right ventricle and left ventricle. The margins are clean. Direction is downwards, backwards and towards left.
- II. Stab injury 2 X 0.8 cm obliquely placed on right side front chest, 5 cm from midline at 4th intercostals space with clean margins. The track passes through chest wall partly cutting 5th rib, pleura, right lung, diaphragm and punctured liver. Direction is downwards and backwards.
- III. Stab injuries size 1.5 X 0.7 cm clean margin on the right side costal margin, 14.5 cm from midline at midaxillaries line. The track passes through abdominal wall, omentum and mesentery. Direction is right to left and slightly downwards and backwards.
- IV. Incise wound 0.5 X 0.5 cm subcutaneous deep in front of left shoulder.

4. **INTERNAL INJURIES:-**

- A. HEAD, NECK AND SPINAL COLUMN:- No abnormality detected.
- B. THORAX
 - i Walls, ribs and cartilage :- described in external injuries.
 - ii. Oesophagus and trachea and bronchi:- No abnormality detected.
 - iii Pleurae and cavities:- Punctured on right side, 2 litres of blood present on both sides.
 - iv. Right lung:- Punctured, weight 330 grms.
 - v. Left lung :- Pale, weight 300 grms.

vi. Pericardium and Heart :- Punctured on right and left ventricles, weight 265 gms.

vii. Diaphragm:- Punctured on right dome.

C. ABDOMEN

i. Wall :- As described in the external injuries.

ii. Peritoneum and its Cavity :- Punctured, 300 ml of blood present.

iii. Stomach and its contents :- No abnormality detected, contents 30 ml greenish yellow fluid.

iv. Small & Large Intestines:- No abnormality detected.

v. Liver and Gall Bladder:- Pale, punctured having weight of about 1195 gm.

vii. Pancreas :- N.A.D.

viii. Kidneys and Ureters :- Pale having weight of 95gms right side and 115 gms left sides.

ix. Urinary Bladder, Urethra and organs of generation : N.A.D.

D. MUSCLES, BONDS AND JOINTS

Described in the external injuries.

OPINION

In my opinion the cause of the death was due to the stab injuries to heart, lung and liver by a sharp pointed object and homicidal in nature. The time since death would be 6 to 12 hours at the time of post mortem examination. All the injuries are ante mortem in nature. The age of the injuries is fresh in nature. As a result of the injuries stated above the deceased would only survive less than half an hour just after receipt of the wound/injury. After the examination, I preserved sample of blood in a safety container. The above injuries would be caused if sufficient force is applied from different angles by a normal healthy person by this knife. It is marked M.O.-3.

After completion of the examination on the dead body I prepared a post mortem report in triplicate with my own hand at the morgue of RIMS. It is marked Ext. P/4 bearing my signature at Ext. P/4/1, P/4/2, P/4/3 and P/4/4. The above injuries would be caused consecutively by a person. The I.O. collected the sample of blood from me after the post mortem examination is over on the day of the post mortem examination at evening around 2.30 p.m.

X x x x x by the Id. defence counsel.

I joined service 1980 after MBBS and thereafter, I obtained Post Graduate in Forensic Medicine in 1985. Post mortem examination may be conducted by any doctor of having MBBS Degree. In my post mortem examination I have mentioned about the particulars parts injuries but I have not measured the actual depth in centimeter or inches. I deny the suggestion that the said injuries could be sustained or inflicted by the victim himself. I have done ore than 200 post mortem examinations prior to the post mortem examination of the deceased. I also deny the suggestion that Ext. P/3 is a fabricated document made in collusion with the Investigating Officer of the case and relatives of the deceased.

RO&AC

Addl.Sessions Judge, M.E.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Shri M.B.K. Singh, Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 8** for the recorded on oath or solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this 12th Day of February, 1996 in the English language.

My name is **Okram Nilamani Singh** aged about 63 years, s/o late O. Jibon Singh of Singjamei Makha Kakwa Asem Leikai P. S. Singjamei, occupation - Asstt. Commandant Ist M.R.

In the year 1989 I was working as an Asstt., Commandant at the Ist M.R. I know the accused now present in the dock as he was serving as a Sepoy in A Coy of Ist M.R. On 17/9/89 at about 7 a.m. while I was in my office the accused was brought by his Coy Havildar Maj. Before me. The said Havildar Maj., namely, Gogoi reported me that the accused when he returned from his house in a line Bus he stabbed one person inside the bus in which the accused was boarding. On hearing the report of the said Havildar Maj. I again examined the accused whether he had stabbed one person in that morning inside the bus and the accused admitted that he stabbed one person inside a bus on which he and deceased were travelling together. At that time the accused had also shown a knife, i.e., commando knife before me stating that with the knife he stabbed the said person in the morning. Thereafter, I instructed to the said Havildar for keeping the accused under his safe guard along with the weapon shown to me in order to hand over to the concerned Police Station. Thereafter, the said Havildar carried away the accused allowing to handle the knife by the accused for safe custody. Thereafter, I immediately reported the matter verbally to the Commandant Officer of my Unit. In the evening I learnt that the accused was arrested by Lamsang Police Station along with the weapon held by him. Ext. M.O./3 is the said knife shown to me by the accused on that day.

X x x x x by the Id. defence counsel.

2. It is not a fact that on 17/9/89 the accused Ibotombi Singh was in Ist Bn. M.R. throughout the day, I deny the suggestion that on 17/9/89 the said Havildar Maj. of A Coy came alone and reported the matter. It is not a fact that accused Ibotombi Singh stated to me and to Gogoi that he was innocent about the alleged occurrence. I deny the suggestion that all the allegations against the accused Ibotombi Singh were made only by fellow Sepoys in order to affect in his service career and personal safety. It is also not a fact that I have seen Ext. N.O./3 for the first time today. It is also not a fact that I have not seen the accused earlier except today.

RO&AC

Addl. Sessions Judge, M.E.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Shri M.B.K. Singh, Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 9** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this **12th Day of June, 1996** in the English language.

My name is Laishram Dhono Singh aged about 60 years, s/o late Amuba Singh of Irengbam Village, P. S. Nambol, occupation - cultivator.

In the year 1989 I was working as a Work charge in the Loktak Project. I know the deceased Mohendra as he was my first son. The said Mohendra Singh died on 17/9/89 at about 7 or 8 a.m. on the way from Utluu Tera Makhong to District Hospital, Imphal while carrying inside a bus. The said bus belongs to one Chaobihal Devi of Irengbam Village. The name of bus was Shakuntala plying from Imphal to Churachandpur. The said bus used to ply early in the morning everyday from Irengbam to Imphal carrying some passengers. I know the accused now present in the dock as he is my co-villager. On 17/9/89 at about 8 a.m. while I was staying at the Loktak Project for performing Vishakarma Puja my wife, Chaobi Devi came to me and reported that my said son Mohendra Singh was stabbed by the accused while he was proceeding towards Imphal boarding inside the said Shakuntala bus. She also reported me that my said son sustained serious injury on his chest and carried away to the hospital. On receipt of the information I along with my said wife proceeded towards Imphal District Hospital boarding inside a bus and reached at the District Hospital at about 10 a.m. of that day and there I found some police personnel and some of my family members including my son Tiken Singh surrounding the dead body of my son Mohendra Singh. On seeing the condition I was shocked for a while and thereafter, I submitted a written report about the death of my son as against the accused person for taking necessary action to the O.C. Lamsang P.S. who was also present at the said hospital. The report was drafted by one person of my village whose name I have now forgotten due lapse of time on my dictation. After hearing the contents of the report I signed on it. Ext. P/5 is the O.E. bearing my signature at Ext. P/5/1. One day about in the year 1985 or 86 the accused assaulted my said son seriously at the Loktak Project while my said son was living with me and at that time the accused was in service as a Rifleman of Manipur Rifles.

2. After a while the O.C. Lamsang P.S. held inquest over the dead body in my presence and in presence of my son Tiken, Shantli Singh and one Shyam Singh. Thereafter, the O.C. seized the blood stained clothes which were then worn by the deceased by preparing a seizure memo in our presence. I shall be able to identify the blood stained shirt sky blue in colour seized from my deceased son. M.O.- 2 is the said blood stained long pant.

X x x x x by the ld. defence counsel.

3. I cannot say whether Ibotombi used to stay at the Battalion most of the time while he was in service or not. I deny the suggestion that no quarrel took place between my deceased son and accused Ibotombi Singh at any point of time. It is also incorrect to say that I made the said report Ext. P/5 to the O.C. Lamsang P.S. against the accused Ibotombi Singh out of enmity and hatred. I deny the suggestion that before I reached at the District Hospital all the cloths had already been removed from the dead body of my deceased son. It is true that there are many clothes having the same colour with Ext. M.O./1 and MQ/2 in the market. I deny the suggestion that I made the report Ext. P/5 at Lamsang P.S. and not at the District Hospital, Imphal. It is not a fact that I depose falsely.

RO&AC

Addl. Sessions Judge, M.E.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Shri MBK Singh, Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 10** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this **12th Day of June, 1996** in the English language.

My name is **Laishram Tiken Singh** aged about 21 years, s/o L. Dhono Singh of Irengbam Makha Leikai, P. S. Nambol, occupation - Student.

I know the deceased Mohendro Singh who was elder brother. My said elder brother died about 6 years and 3 months ago. I know the accused person who is present in the dock as he is my co-villager. I learnt that my said brother was killed by the accused by means of stabbing with knife on 17/9/89 while my said brother was proceeding towards Imphal in a bus (Shakuntala Bus) belonging to one Chaobihal Devi of my village. One day on 17/9/89 at about 8 a.m. the said Chaobihal Devi came to our house at about 8 a.m. and reported to our family that my said brother was seriously stabbed by the accused with a knife while they were proceeding inside her bus towards Imphal. The said occurrence took place when the said bus reached near Utlou Tera Makhong along the Tiddim Road. When the said Chaobihal Devi informed us about the occurrence, my mother L. Chaobi Devi also was present there. At the time of getting the information my father was staying at Loktak Project as he was serving there. Thereafter, my mother left for Loktak Project to give information to my father about the occurrence. But I along with some of our family members rushed towards the District Hospital with a jeep hired from my locality in order to see the condition of my injured brother. At about 10 a.m. I reached District Hospital, Imphal and saw my said brother dying there. I found there one Amusana Singh of my locality and some other villagers namely, L. Shyam Singh, I. Shanti Singh and I. Ibomcha Singh with some other persons including I. Nilmani Singh, driver of the said bus and O. Nimai Singh who is the conductor of the said bus also found there. I also found some women from my locality, namely, I. Amu Devi, O. Tombi Devi and with other ladies. The said Shakuntala Bus belonging to the said Chaobihal Devi was also found park inside the District Hospital, Imphal. The said occurrence was taken place inside the said Shakuntala Bus while plying towards Imphal from Irengbam Village in that morning. Within a short time some police personnel also arrived at there. Thereafter, my father Dhono also arrived at there. He also saw the dead body of my said brother Mohendro Singh at the said place. My father was shocked on seeing the dead body of my brother. Thereafter, the O.C. held inquest over the dead body in presence of me, the said Shanti Singh and Shyam Singh. At the time of holding inquest over the dead body by the O.C. Lamsang P.S., I saw three injuries marks on the right side chest near the right ample having bleeding injuries. Before seeing the injured portions I saw the injured portion was covered with a piece of cloth (Khudei Arangba). I also saw one scratch mark on the left shoulder. The O.C. recorded the injured portion in the inquest report in our presence. After knowing the contents of the inquest report along with Shanti Singh and Shyam Singh signed on it. Ext. P/1 is the inquest report bearing my signature Ext. P/1/3. Ext. P/1/1 and

P/1/2 are the signatures of the said Shanti Singh and Shyam Singh respectively. We signed on the front page of the inquest report also. I identified the dead body before the O.C. at the time of holding inquest. After holding the inquest the said O.C. took out the blood stained shirt having 3 cut marks on the right side front portion and one blood stained ash colour long pant from the dead body and seized the same in our presence by preparing a seizure memo. The said Shyam Singh and Shanti Singh were the witnesses for the seizure of the said blood stained clothes. I shall be able to identify the said clothes if shown to me. Ext. M.O/1 and MO 2 are the shirt and long pant. M.O/1/1, MO/1/2 and MO/1/3 are the said cut portions found in the right side front portion of the shirt. I identified the dead body before the Medical Officer at the time of holding the post mortem examination at the RMC morgue. Ext. P/4/5 is my signature on it. The O.C. Lamsang P.S. took the photographs of the dead body 2 or 3 times from different directions of District Hospital, Imphal at the time of holding inquest.

X x x x x by the ld. defence counsel

2. Smt. Chaobihal Devi, Khongnangjao Singh now deceased, H. Laxman Singh, myself and some other persons went together in the said jeep towards Imphal after getting information from the said Chaobihal Devi. I cannot remember the number of the said jeep and the name of the driver of the said jeep due to lapse of time. It was on Sunday. I cannot say on whose report the said police personnel arrived at the District Hospital, Imphal on that day. It is true that when I reached District Hospital the dead body of my elder brother was found covering with a shawl. I deny the suggestion that the police personnel did not permit anybody to stay near the dead body of my said elder brother. I deny the suggestion that Ext. MO/1 and MO/2 were already packed by the police personnel. It is true that I have not seen my said brother when he left our house on 17/9/89 as he went in early morning. I deny the suggestion that I put my signature on blank paper only in connection with the death of my said elder brother. I deny the suggestion that I came to know the MO/1 and MO/2 belonging to my deceased elder brother as stated by some other persons.

RO & AC

Addl. SJ/ME

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Shri MBK Singh, Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 11** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this **28th Day of August, 1996** in the English language.

My name is **Irengbam Amusana Singh** aged about 36 years, s/o I. Bhorot Singh of Irengbam Mamang Leikai, P. S. Nambol, occupation – Asstt. Teacher (Aided).

I know the accused now present in the dock as he is my co-villager and now living just adjacent to my house towards the east. I know the deceased Laishram Mohendro Singh who is also my co-villager and his house lies to the west of my house intervened by a lane (village road). Shri Laishram Mohendro Singh died about 6 years ago. One day a little less than 6 years in the early morning at about 5 a.m. I came out from my house to go towards Imphal. When I reached at our gate the deceased Mohendro Singh and one Irengbam Tomba Singh both of our village were found near a Pan Dukan which situates near our gate. I asked them as to how they were standing there and that both of them told me that they were waiting for a bus for proceeding towards Imphal. Thereafter, all of us together remained there waiting a local bus for going to Imphal. After about 4/5 minutes one Shakuntala Bus belonging to Smt. Chaobihai Devi of our village was seen coming towards our direction from the western side. The house of the said Chaobihai Devi lies towards the western side of my house. On reaching the bus near our place the bus stopped on our request and thereafter, we three jointly boarded in it. When we boarded inside the said bus we saw about 10 passengers including the owner Chaobihai Devi sitting inside the bus. Most of the passengers were women. I know some of the women passengers who were found sitting inside the bus. They were Chaobihai Devi, owner of the bus, one woman who is the wife of my Sagei (relative) brother Ibocha Singh, I and the said Mohendro occupied in a double seated seat, i.e., in 3rd row counting from the front door of the bus. I occupied seat No. 22 of the bus and Mohendro Singh occupied seat No.23. Thereafter, the bus proceeded towards Imphal along the said road. On that journey after proceeding about one electric post from our gate the bus stopped again in order to pickup some passengers. About 5 passengers again boarded inside the said bus including the accused, one Ibotombi Singh along with ¾ women. One Ibocha Singh also boarded from the said place. The accused boarded inside the bus from the back door. Thereafter, the bus proceeded upto Oinam Bazar and from there two other passengers also boarded inside the bus. Thereafter, the bus proceeded upto Nambol Bazar. From Nambol Bazar some passengers numbering about 10 persons were boarded inside the said bus. Thereafter, the bus proceeded towards Imphal. After proceeding from Nambol Bazar for about some distance the conductor, Nimal Singh started collecting bus fair from the passengers. When the bus reached near Uticu Heibi Makhong, I gave Rs. 10/- G.C. note to the conductor as fair for myself and deceased Mohendro Singh. The conductor refunded Rs.6/- after taking Rs.4/- as our bus fair. And thereafter, the said conductor proceeded collecting bus fair from the passengers sitting in our front seats. When the bus was

about to reach to Chanura Bazar near Utluu Heibi Makhong suddenly deceased Mohendro Singh stood up from his seat shouting 'Ah' and turned his face towards the back side of the bus. At that time deceased Mohendro Singh put one of his hands over his chest and another hand raised in order to protect himself from some attack. I also immediately stood up from my seat and looked towards deceased Mohendro Singh and at that time I saw accused Ibotombi Singh standing opposite to the deceased Mohendro Singh holding a small knife in his right hand and umbrella on his left hand. The accused Ibotombi Singh pointed the said knife towards the deceased Mohendro Singh at that distance of about 2 ft. Immediately, I shouted saying that Ibotombi Singh (accused) not to behave like this as we were coming from the said locality and I tried to intervene between them. In doing so, many of the passengers who were then inside the bus shouted as "MEE KHANARE, MEE KHANARE BUS KHAMU KHAMU" (*men are fighting, men are fighting, stop the bus*). Thereafter, within a short distance the said bus stopped along the Tiddim Road near the said bazaar, i.e., a little distance away from the said bazaar towards Imphal. While doing so, the deceased Mohendro Singh moved forwards and fell down near the steps of the front door of the bus. On seeing the condition of the deceased Mohendro Singh, I, myself, the said Ibocha and Tomba Singh rushed to him and attended upon. In the meantime, the said Chaobihai Devi and I myself, Tomba Singh and the said Ibocha Singh get down from inside the bus in order to arrange quickest means for proceeding towards Imphal for treatment of the deceased Mohendro Singh. At the time of my intervention the accused moved backwards of the bus shouting "do not touch to my body if you want to survive" and thus, he managed to escape through back door of the bus when it was stopped at the said place. Some of the passengers stood up inside the bus on seeing the condition. Within a short time I myself along with the said Tomba and Ibocha Singh picked up the deceased Mohendro Singh from the said place where he was falling and at that time we saw bleeding injury on his chest. On seeing the bleeding injury on the chest of deceased I managed to get one Khudei (loin cloth) from the women passengers and tied up the injured portion of the deceased by the said Khudei (loin cloth). Thereafter, we requested the driver of the bus, Shri Nilachandra Singh to proceed the bus straight to the District Hospital, Imphal for treatment of the deceased. While proceeding towards the hospital and on reaching near the Imphal Talkies, we saw the deceased Mohendro Singh fainted due to the injury however we reached the hospital at about 6 a.m. of that day. Thereafter, the deceased was taken inside the hospital and doctor examined him. On examination the doctor declared him death. Some of the passengers after reaching hospital left the bus however, I and driver of the bus, conductor, the said Tomba Singh and Ibocha Singh remained with the deceased waiting to come the relatives of the deceased. We met some police personnel at the District Hospital and they also asked me to wait some time inside the hospital till the arrival of the relatives of the deceased. At about 9 a.m. of that day some of the relatives of the deceased arrived at there. Police also arrived at the same time and examined the dead body. The police seized some quantity of blood from inside the bus by preparing a seizure memo in our presence. Ext. P/6 is the seizure memo bearing my signature at Ext. P/6/1. The said Ibocha Singh, Nimai and Nilachandra also put their signatures on the seizure memo in my presence. Ext. P/6/2, P/6/3 and P/6/4 are the respective signatures of the said persons who put their signatures in my presence. Due to lapse of time I will not be able to identify the said knife and umbrella held by the accused at the time of the occurrence. Thereafter, the police took the dead body to the RMC Hospital for post mortem examination. The dead body was taken to the RMC morgue in the said bus itself and myself, owner of the bus, the said Ibocha Singh and relatives of

the deceased were also accompanied in the said bus. The dead body was then taken inside the morgue for post mortem examination and while doing so we were inside the bus. After post mortem examination the dead body was taken by the same bus upto our village in the evening before sun set.

X x x x x by the ld. defence counsel.

2. The distance between Chanura Bazar and Utiou Heibi Makhong may be about 100 ft. The said bus was plying at normal/average speed when the bus reached near Utiou Heibi Makhong but it was not in a high speed. It is true that at that relevant year a bus called Babita was also in our village. I do not know whether on the day of occurrence the said Babita Bus plying in the early morning after taking passengers from Irengbam Village towards Imphal or not. I deny the suggestion that on the day of alleged occurrence I, deceased Mohendro Singh and Ibocha Singh along with one Tomba never travelled in the said Shakuntala Bus. I also deny the suggestion that the deceased was only picked up from the road near Chanura Bazar in the said Shakuntala Bus. I deny the suggestion that I did not see Shri Ibotombi Singh (accused) in the Shakuntala Bus on the day of alleged occurrence. It is true that I had not seen when the accused Ibotombi Singh got down from the bus. I deny the suggestion that accused Ibotombi did not hold any knife and umbrella inside the said bus on the alleged day of occurrence. Police never collected any blood from my cloths at any point of time in connection with the present FIR Case. I do not know how the police arrived at the District Hospital on that day. I cannot say due to the lapse of time whether the police arrived at the District Hospital before arrival of the relatives of the deceased or not. The said seat No. 23 of the Shakuntala bus was at the window side. I cannot say the seat number of which we put up the deceased Mohendro Singh from the step of the front door of the said bus. I also deny the suggestion that the reason for enabling me to say seat number on which the deceased was put up, was that I never met the deceased in the said bus on the day of alleged occurrence. I cannot say the seat number occupied by Ibocha Singh on the alleged day of occurrence. But Ibocha Singh occupied the seat in the back side of the said bus. I deny the suggestion that I am giving this statement in collusion with the family members of the deceased against the accused Ibotombi Singh. I deny the suggestion that Ext. P/6 is a manufactured document and Ext. P/6/1 was the signature signed by me only on the blank paper. I also deny the suggestion that I never saw any injury over the chest of the deceased on the alleged day of occurrence. I also deny the suggestion that I never went to the District Hospital on the alleged day of occurrence.

R.O. & A.C.

Addl. Sessions Judge, M.E.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Smt. Surbala Devi, Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 12** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this **3rd Day of September, 1997** in the English language.

My name is **Shanoujam Nityai Singh** aged about 57 years, s/o late Irabot Singh of Chingamathak Yumnam Leikai, P. S. Singjamel, occupation - Police Inspector.

1. In the month of September, 1989 I was working as an Officer-in-Charge of Lamsang P.S. On 17/9/89 at about 10 a.m. I received an information through the wireless section Brabo 13 stating that one person has been stabbed inside a bus at Nambol Heibi Makhong Utlou Tera Makhong and also directed me to proceed to District Hospital. I also received an information through the said Brabo 13 stating that the said injured person was already proceeded at District Hospital Imphal for treatment and accordingly, I proceeded at the District Hospital at about 10.10 a.m. of the said day where I found one deceased person in the examination room of the District Hospital surrounded by his relatives along with some passengers of one bus bearing No. MN-01 A-3715 named as Shakuntala parking inside the said hospital. When I reached the said hospital one Laishram Dhono Singh of Irengbam Village who is the father of the deceased Laishram Mohendro Singh lodged a written Ejahar stating that his son Mohindro Singh stabbed by one Thangjam Ibotombi Singh of the same village while they were proceeding inside the said bus when they reached near Nambol Heibi Makhong/Utlou Tera Makhong. Accordingly, I registered a case under FIR No. 98(9)/89 Lamsang P.S. u/s 302 IPC on the same day and thereafter, I performed the inquest over the dead body as identified by L. Tiken Singh who is the younger brother of the deceased and also in presence of the witnesses. Ext. P/5 is the O.E. bearing my signature Ext. P/5/2. Ext. P/1 is the inquest report bearing the signature of the said Tiken Singh at Ext. P/11/3 and the signature of the said witnesses at Ext. P/1/1 and P/1/2 respectively. Ext. P/1/4 is my signature. Thereafter, I seized some wearing apparel of the deceased such as one blood stained sky blue colour of full sleeve shirt and one blood stained long pant by preparing a seizure memo Ext. P/2 in presence of witnesses. Ext. P/2/1 and P/2/2 are the signatures of the attesting witnesses who signed on it after knowing the contents of the same. Ext. P/2/3 is my signature. At the time of the seizure of the blood stain shirt from the person of the deceased I saw three cut marks on the right front side of the chest such as two cut marks of about 2 cm long on the right front and another mark on the right side about 1½ cm long. It is marked as Ext. A/1, A/2 and A/3 respectively for identification. At the time of the inquest over the dead body I saw three cut bleeding injury marks on the right side chest of the deceased. Thereafter, I examined the said Shakuntala Bus belonging to Irengbam Ongbi Chaobihai Devi of Irengbam Village. I drew a sketch map of the said bus showing relative position where the deceased and accused were found sitting at or before the time of the occurrence. Seat No. 23 which was the seat occupied by the deceased. And seat No. 29 was also the seat where the accused had occupied at the relevant time. Seat No. 22 was the

relevant position of the seat where one Irengbam Amusana Singh was sitting at the time of the occurrence. Thereafter, I drew a sketch map of the said bus showing the relevant way where the accused retreated after giving assault to the victim towards the left back side of the bus. Ext. P/7 is the sketch map of the bus and Ext. P/7/1 is the back door of the bus through which the accused escaped after giving assault to the victim. Ext. P/7/2 is my signature. Ext. P/7/3 is the relevant position where the victim fell down inside the bus after getting the assault. Thereafter I seized the bus also after collecting some blood scrapes from inside bus by preparing a seizure memo in presence of witnesses. Ext. P/6 is the seizure memo. Ext. P/6/1, P/6/2, P/6/3 and P/6/4 are the signatures of the attesting witnesses signed on the seizure memo after knowing the contents for the seizure of bus and also the said blood scrapes. Ext. P/6/5 is my signature on it. I collected the relevant positions of the accused and the deceased after examination of the driver and conductor of the bus and also some passenger.

2. Thereafter, I picked up the deceased and proceeded to the RMS for holding post mortem examination over the dead body of the deceased and post mortem was also held at 1.30 p.m. of the same day as identified by me and also the said Tiken Meitei. Ext. P/4 is the post mortem report bearing my signature Ext. P/4/6. Ext. P/4/5 is the signature of the said Tiken. After completion of the post mortem examination the dead body was handed over to his relatives.

3. While I was at the hospital I received an information through SDPO Lamphel stating that the accused was found staying at the 1st M.R. and thereafter, I proceeded to 1st M.R. and arrested the accused Ibotombi Singh now present in the dock in the present case. Thereafter, on further inquiry I came to know that the accused Ibotombi Singh is a sepoy of 1st M.R. who has gone out of the Battalion for about 7 days prior to the day of occurrence. Immediately after his arrest he produced one commando knife having reddish stain on its blade and one black umbrella at the office of the Adjutant, 1st M.R. and accordingly, I seized the same by preparing seizure memo in presence of witnesses. Ext. P/3 is the seizure memo bearing the signatures of the witnesses Ext. P/3/1 and P/3/2. Ext. P/3/3 is the signature of the accused. Ext. P/3/4 is my signature. The witnesses and the accused signed on the seizure memo after knowing its contents. The length of the said commando knife is about 11½ inches including its handle. Thereafter, I took the custody of the accused for further interrogation. Thereafter, I proceeded to the place of occurrence at about 5.30 p.m. on the same day and drew a sketch map with index. Ext. P/8 is the sketch map bearing my signature Ext. P/8/1. The place of occurrence I mean is that the said Tulou Tera Makhong..

4. On the same day at about 6.30 p.m. I seized the wearing clothes worn by the accused at the time of the occurrence by causing him to remove his cloth by preparing a seizure memo in the P.S. in presence of witnesses. Ext. P/9 is the seizure memo bearing the signatures of the witnesses at Ext. P/9/1 and P/9/2. Ext. P/9/3 is my signature. The wearing clothes seized by me from the accused are one full long sleeve shirt having blood stain and one brown long pant. M.O./1 is the blood stain shirt having three cut marks at the right front side. M.O./2 is the blood stain long pant of the deceased. M.O./3 is the knife seized on production of the accused. Ext. M.O./4 is the umbrella which was seized on production of the accused said to have been held by the accused at the time of the occurrence. M.O./5 is the blood stain shirt of the accused. The said knife and umbrella were seized from the possession of the accused on his production at the office of the Adjutant. Thereafter, I examined a number of witnesses including the informant. Ext. P/10 is the FIR form which is duly filled in by me bearing my signature Ext. P/10/1.

5. During the course of investigation, I caused to send the blood stain clothes seized from the accused and also from the deceased along with blood scrapes collected from inside the bus along with the said knife to the expert through the Judicial Magistrate 1st Class, Imphal West for examination and opinion on the subject marked 'A-1, A-2, A-3, A-4 and A-5; and B-1, B-2 and also P.M. No. 232/89'. The Hon'ble Magistrate requested the expert for examination of the items mentioned above and also for comparison and opinion. Ext. P/11 is the copy of the forwarding letter of the said Magistrate. I collected some quantity of sample blood and also scraped hair as handed over by Dr. Nabachandra Singh after completion of the post mortem examination. The said blood sample was also forwarded to the expert along with other items for comparison and opinion.
6. I examined Smt. Tombimacha Devi and recorded her statement u/s 161 Cr.P.C. At the time of her examination she stated the relevant portion of her statement marked X-1 to X-1 which is now marked Ext. P/11.

7. Because of transfer I could not complete the investigation of the case.

X x x x x x by the ld. defence counsel.

8. The wireless section Brabo - 13 is situated at S.P. Control Room, Imphal. I was in full proper uniform while I was receiving the information through the wireless Brabo-13 at Lamsang P.S. The distance between the Lamsang P.S. and the District Hospital, Imphal measures about 3/4 kilometers. I cannot say the average speed of the vehicle in which I was proceeding from Lamsang to District Hospital, Imphal on the relevant day. It took about 5 minutes on reaching the District Hospital, Imphal from Lamsang P.S. After the post mortem at RMC at about 1.30 p.m. I directly proceeded to the place of occurrence along with my police party and the relatives of the deceased and owner of the bus at Nambol Heibi Makhong. We reached at the spot at about 4 p.m. and returned back at 4.30 p.m. to Lamsang P.S. I deny the suggestion that the complainant, father of the deceased did not lodge any Ejahar about the occurrence. I deny that the accused was handed over by the authority of the 1st Bn. Manipur Rifles to the Lamsang P.S. in connection with this case. I deny the suggestion that Ext. M.O/3, MO/4, MO/5, MO/6 and MO/7 were never seized by me from the possession of the accused. I deny that Ext. P/3, P/8, P/9 and P/10 and also P/11 are forged documents. I deny the suggestion that Ext. P/1, P/2, P/5, P/6 and P/7 are forged documents. I deny that I never conducted inquest over the dead body and that I never visited to the place of occurrence. I deny the suggestion that I never collected blood scrapes from inside the bus and also from the dead body. I deny that Ext. M.O./3, MO/4 and MO/5 were handed over by the Officers of 1st Bn. Manipur Rifles. I also deny the suggestion that the accused person have been staying in his Battalion (1st Battalion) about 7 days prior to the day of occurrence. I deny the suggestion that I never examined any person u/s 161 Cr.P.C. before my transfer from the Lamsang P.S. I deny that I am giving false statement before this court.

On recall on 16/1/1996 on fresh oath.

Ext. M.O./6 is the said bus bearing No. MNO-1 A-3715. At the time of the seizure of the said bus the name of the bus written as SHAKUNTALA and recently it has been changed its name as Jubilee Travels.

X x x x

I do not have any knowledge at what time the changing of the name of the bus's name from Shakuntla to Jubilee Travels has taken place.

FORM OF RECORDING DEPOSITION

In the Court of : Addl. Sessions Judge, Manipur East
 Present : Smt. Surbala Devi, Addl. Sessions Judge, Manipur East
 Case No. : Sessions Trial No. 9 of 99

Deposition of Witness No. **P.W. No. 13** for the recorded on oath on solemn affirmation under provision of OATH Act, 1969 (Act 44 of 1969) on this **17th Day of September, 1997** in the English language.

My name is **Irengbam Digen Singh** aged about 52 years, s/o late Chacba Singh of Naran Konjin Makha Leikai, P. S. Singjamei, occupation – Police Inspector.

1. I am at present posted as Inspector in the State Vigilance Commission. From 1991 to 1993 I have been posted at Lamsang P.S. as the O.C. of the said Station. During my posting at Lamsang P.S. I took up the charge of the I.O. of FIR Case No. 98(9)89 Lamsang P.S. u/s 302 IPC. The former I.O. Shri Nityai Singh has already completed the investigation of the said case. During my period I collected the forensic expert report from the Court of JMFC, Imphal West and after that on checking the relevant papers I submitted the charge sheet against the accused of the present case to the Hon'ble court. Ext. P/12 is the report of the Forensic Expert. Ext. P/12/2 is my signature. Ext. P/13 is the charge sheet. Ext. P/13/1 to P/13/7 are my signatures.

X x x x by the Id. counsel for the accused person.

2. I deny that the charge sheet Ext. P/13 is a forged and fabricated document.

RO & AC

Addl. Sessions Judge, M.E.

EXAMINATION OF THE ACCUSED PERSON U/S 313 OF CrPC

The examination of accused

My name is Thangjam Ibotombi Singh. I am by Caste Hindu and by occupation Suspended Sepoy, M.R. My home is at Irengbam Mamang Leikai, P.S. Nambol, District Bishnupur. I reside at Irengbam Mamang Leikai.

Q.1. It is in evidence that about 5/6 years ago, at about 5.20 a.m., the deceased Laishram Mohindro Singh, one Irengbam Tomba Singh and P.W. No. 11, Irengbam Amusana Singh were waiting for a line bus to proceed towards Imphal near the gate of the said Amusana Singh's house at Irengbam Mamang Leikai. After about 4/5 minutes they boarded the Shakuntala Bus bearing No. MNO-1/A 3715 belonging to one Chaobihal Devi of their village and the said Amusana Singh with deceased Mohindro Singh occupied in a double seated seat in the third row counting from the front door of the bus occupying seat No. 22 and seat No. 23 respectively. What have you got to say?

Ans. I do not know.

Q.2. It is also in the evidence that after proceeding about one electric post from the gate of Amusana's house the bus stopped again to pick up some passengers and about 5 passengers including you accused Ibotombi Singh, one Ibocha Singhalong with 3/4 women boarded inside the said bus. After proceeding some distance from Nambol Bazar the conductor Nimal Singh started to collect the bus fare from the passengers and when the bus reached near Utlou Heibi Makhong Amusana Singh gave Rs.6/-. Thereafter, the said conductor proceeded to collect bus fare from other passengers sitting in the front seat. You accused Ibotombi Singh paid Rs.3/- for you and Rs.1/- for another passenger who was sitting with you. What have you got to say?

Ans. It is false.

Q.3. Further it is in evidence that when the said bus was about to reach at Chanura Bazar near Utlou Heibi Makhong deceased Mohindro stood up from his seat shouting "Ah" and turned his face towards the back side of the bus putting one of his hand over his chest and another hand raising to protect himself from some attack. Amusana Singh immediately stood up from his seat and looked towards deceased Mohindro Singh. He saw you accused standing opposite to the deceased Mohindro Singh holding a small knife in your right hand and one umbrella on your left hand pointing the knife towards the deceased Mohindro Singh at the distance of about 2 feet. What have you got to say?

Ans. It is false.

Q.4. It is also in the evidence that many passengers who were then inside the bus shouted as "Mee Khatnare, Mee Khatnare Bus Khammu Khammu" (men are fighting, men are fighting, stop the bus). Thereafter, within a short distance the said bus stopped and you accused moved towards the back door of the bus in the midst of the standing passengers threatening to kill anybody if one dares to touch you accused. As threatened by you accused the passengers of the bus did nothing but stood aghast. While doing so, you accused manage to escape through the back door of the bus when it was stopped at the intervention of the passengers. What have you got to say?

Ans. It is false.

Q.5. It is also in the evidence that the deceased Mohendro Singh moved forward and fell down near the step of the front door of the bus and Amusana Singh, Ibocha Singh and Tomba Singh attended upon him and Amusana Singh managed to get one Khudei (cloth) from the woman passenger and tied up the bleeding injured chest of the deceased by the said Khudei. Thereafter, the victim was taken to the District Hospital, Imphal for treatment in the said same bus. What have you got to say?

Ans. I do not know.

Q.6. It is in the evidence that there were two stabbed injury on the right side chest and one stabbed injury on the right side of the belly just below the rib of the deceased Mohendro Singh. There was also one scratch mark on the left hand near the armpit of the left hand. What have you got to say?

Ans. I do not know.

Q.7. It is also in the evidence that the inquest report marked Ext. P/1, the seizure memo for the seizure of blood stained sky blue colour full shirt and one blood stained long pant marked Ext. P/2, the blood stained shirt marked having three cut marks Ext. M.O./1, the long pant marked Ext. M.O/2, the seizure memo for the seizure of one commando knife having wooden handle and one black umbrella Ext. P/3, the post mortem report Ext. P/4, the knife Ext. M.O., the knife Ext. M.O./3, the O.E. Ext. P/5, the seizure memo for the seizure of some quantity of blood Ext. P/6, the sketch map of the bus Ext. P/7, the sketch map of the place of occurrence marked Ext. P/8, the seizure memo for the seizure of the clothes worn by you accused at the time of the occurrence Ext. P/9, the umbrella Ext. M.O/4, the blood stained shirt of you accused Ext. MO/5, Fir form marked Ext. P/10 and the statement of witnesses Tombmacha Devi recorded under Section 161 Cr.P.C. marked Ext.P-11, the forensic Expert report marked Ext. P/12 and the charge sheet Ext. P/13 are on record. What have you got to say?

Ans. It is false.

Q. Why the P.Ws. depose against you?

Ans. The P.Ws. may have deposed against me due to ill-will and instigated by the police personnel.

Q.9 Will you adduce evidence for your defence?

Ans. No.

Q.10. Have you got anything to say?

Ans. I am innocent. The case has been filed against me to harass me.

Signature of the accused

Signature of Judge,

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

Signature of Judge.

EXHIBITED DOCUMENTS

Ext. P/1

IN THE GAUHATI HIGH COURT, IMPHAL BENCH

Ref:- Cril (J) Appeal No. 2 of 99

English translation of Ext. P/1

INQUEST REPORT

Place - District Hospital, Imphal, Examination Room.

Date - 17/09/1989 at 10.30 a.m.

Ref - FIR No. 98(9)89 Lamsang P.S. u/s 302 IPC

I, (S. Nityai, Inspector, O.C. Lamsang P.S.) in presence of the undersigned witnesses have held inquest over the dead body of late Laishram Mohendro Singh, 30 years, s/o L. Dhono Singh of Irengbam Kharup Leikai, on identification by his younger brother L. Tiken Singh of above FIR Case.

The dead body is covered by a shawl with black embroidery at the border line. On removing the shawl the following features are found :- Head lies to the south; feet to the north; the body lays on the back; eyes and mouth are opened. Both hands are bending. Feet are straight. The corpse wears a blood stain sky blue full shirt; a blood stain grey colour trousers and a pair of white "Trident" shoes. A stripe loin cloth (towel) stained with blood wrapped around the chest.

The following injuries are found after removing the shirt and towel - There is a gaping wound reddish in colour on the right chest. It seems as if a sharp/pointed weapon pierced the chest rib. The cut line measures $3\frac{3}{4}$ " with another 3" long cut a little above the latter. There are two cut injuries near the right nipple. There is another wound measuring $\frac{1}{2}$ inch on the right abdomen. It seems that bleeding from the chest might have stained the front portion of the trousers. The feet, hands and the back are overturned and no other injury is found. There is a scratch mark near left hand with a diameter of $\frac{1}{10}$ inch.

| | |
|----------|---|
| Injuries | - 1) 2" 1(1) inner |
| | - 2 down of right nipple |
| | - 8 $\frac{1}{2}$ " down right nipple in top portion of rib |

Signature of witnesses :-

(1) I. Shanti Singh 17.9.89

(2) I. Shyam Singh 17.9.89.

Sd/- O.C. Lamsang P.S. 17/9/1989

EXT. P/2
SEIZURE MEMO DATED 17/9/89

Date - 17/9/1989 - 11.00 a.m.
Place - District Hospital, Imphal.
Ref:- FIR No. 98(9)/89 Lamsang P.S. u/s 302 IPC.

I, (S. Nityai, Inspector, O.C./IO Lamsang P.S.) have in presence of the undersigned witnesses seized the following blood stained garments of deceased Laishram Mohindro Singh (30), s/o L. Dhana Singh of Irengbam Kharup Village, Namboll P.S., which were found wearing at the time of inquest.

Description of garments:-

- 1) One blood stained sky blue colour full sleeve shirt having 3 cut marks (2 - marks of about 2 cm long on right front, 1 - mark on right side above 1 1/2 cm long).
(Marked A-1, A-2 and A-3 respectively)
- 2) One blood stained ash colour (brown grey colour) Long pant. Marked A-4.

Signatures of witnesses

- 1) I. Shyam Singh dated 17/9/89
- 2) I. Shanti Singh dated 17/9/89.

Signature of Inspector (S. Nityai Singh) I.O.
O.C. Lamsang P.S. date 17/9/89

EXT. P/3
SEIZURE MEMO

Place - Ist M. R. Adjutant Office Room, Imphal.
Dated - 17/9/89 at 4.30 P.M.
Ref:- FIR No. 89(9)/89 LSG P.S. u/s 302 IPC

I, (S. Nityai, Inspector, O.C. Lamsang P.S., I.O.) have in presence of the undersigned witnesses seized the under mentio ed commando knife from the possession of accused Thingbaijam @ Thangjam Ibotombi Singh 28 years, son of Th. Mangi Singh of Irengbam Mamang Leikai (Rifle Man No. 22596 of Ist M.R. A-Coy, Imphal)

- (1) One commando knife wooden handle and having reddish stains like blood about 11 1/2 inches long (29 1/2 cm approx) - Marked - B.
- (2) One black umbrella i.e., black cloth - small size.

Signatures of witnesses

- (1) Havildar CHM A- coy
No.12680 I MR
- (2) M. Angouba Singh L/N
No.14037 I M.R.

Signature of O.C./I.O. Lamsang P.S
Dated 17/9/89

EXT. P/4

POST MORTEM REPORT

Ref:- P.M. No. 232/89 FIR Case No. 98(9)/89 Lamsang P.S. under Section 302 IPC District
Imphal

1. DETAILS OF THE DECEASED.

(a) Name - Laishram Mohendro Singh, s/o L. Dhana Singh (b) Age 30 years. (c) Sex - Male (d) Caste - Manipuri Hindu, (e) Address - Irengbam Kharup Leikai, Bishnupur District. (f) Date and time of receipt of dead body and inquest paper, by the Medical Officer attending the P.M. examination - 1 p.m. on 17/9/89, (g) Date and time of P.M. examination 1.30 p.m. on 17/9/89 (h) Place of examination- RMC Morgue, Imphal, (i) Brought and identified by (i) Inspector S. Nityai/OC Lamsang P.S. (ii) L. Tiken Meitei, younger brother of the deceased.

2. RELEVANT INFORMATION AS FURNISHED BY POLICE :- Victim stabbed around 5.40 a.m. on 17/9/89 and died on the way to hospital.

3. EXTERNAL APPEARANCE /EXAMINATION :

(a) Stature - 5' 6", (b) Weight - 47 Kg. (c) Physique - average. (d) Nutrition- Fair, (e) Posture (f) Identification marks: Identified (i) Eyes, mouth partly opened. rigor mortis present all over body post mortem staining present on back, (g) Wearing apparels - Blood soaked long pant, blood stained a pair of shoes and socks(h) Post mortem changes & other appearance of the body

(i) External Injuries :-

- (1) Stab injury 2 X 1 cm horizontally placed on right side front of chest. 3 cm from midline at 3rd intercostals space with downwards beveling. The track passes through chest wall cutting sternum, media-stinum, pericardium and penetrate right ventricle and left ventricle. The margins are clean. Direction is downwards, backwards and towards left
- (2) Stab injury 2 X 0.8 cm obliquely placed on right side front chest, 5 cm from midline at 4th intercostals space with clean margins. The track passes through chest wall partly cutting 5th rib, pleura, right lung, diaphragm and punctured liver. Direction is downwards and backwards.
- (3) Stab injuries size 1.5 X 0.7 cm clean margin on the right side costal margin. 14.5 cm from midline at midaxillaries line. The track passes through abdominal wall, omentum and mesentery. Direction is right to left and slightly downwards and backwards.
- (4) Incise wound 0.5 X 0.5 cm subcutaneous deep in front of left shoulder.

4. INTERNAL INJURIES:-

A. HEAD, NECK AND SPINAL COLUMN:- No abnormality detected.

B. THORAX

- i Walls, ribs and cartilage :- described in external injuries.
- ii. Oesophagus and trachea and bronchi:- No abnormality detected.
- iii. Pleurae and cavities:- Punctured on right side, 2 litres of blood present on both sides.
- x. Right lung:- Punctured, weight 330 gms.
- xi. Left lung :- Pale, weight 300 gms.
- xii. Pericardium and Heart :- Punctured on right and left ventricles, weight 265 gms.
- xiii. Diaphragm:- Punctured on right dome.

C. ABDOMEN

- i. Wall :- As described in the external injuries.
- ii. Peritoneum and its Cavity :- Punctured, 300 ml of blood present.
- iii. Stomach and its contents :- No abnormality detected, contents 30 ml greenish yellow fluid.

- iv. Small & Large Intestines:- No abnormality detected.
- v. Liver and Gall Bladder:- Pale, punctured having weight of about 1195 gm
- vii. Pancreas :- N.A.D.
- xiv. Kidneys and Ureters :- Pale having weight of 95gms right side and 115 gms left sides
- xv. Urinary Bladder, Urethra and organs of generation : N.A.D

D. MUSCLES, BONDS AND JOINTS

Described in the external injuries.

OPINION OF THE MEDICAL OFFICER AS TO THE CAUSE OF DEATH

Cause of the death was due to the stab injuries to heart, lung and liver by a sharp pointed object and homicidal in nature. (a) The time since death would be 6 to 12 hours at the time of post mortem examination. (b) Whether injuries were ante mortem or post mortem : All the injuries are ante mortem in nature. (c) Age of injuries (period of survival after injuries) : Fresh.

Place : Imphal

Signature of M.O.

Date 17/9/89

Designation

Office Seal

Ext. P/6

DATED 17/9/89 AT 11.15 A.M.

SEIZURE MEMO

District : Hospital, Imphal Compound

Ref:- FIR No. 98(9)89 LSG P.S. u/s 302 IPC

I, S. Nityai (Inspector), O.C. of Lamsang P.S. have in presence of the undersigned witnesses seized bus bearing No. MN 01 A-3715 as pointed out by the driver Ngangom Nilachandra Singh 22 years, s/o Ng. Lila Singh of Irengbam Maning Leikai, P.S. Nambol.

(1) Bus - No. MN01/ A-3715

(2) Blood scraps from the front left side door step.

(3) Blood clots from inside the passage way of the bus of which Sl. No. 2 and 3 were fallen from the injured chest of L. Mohendro Singh both marked A-5.

Signatures of witnesses :-

(1) Oinam Nimai Singh son of O. Achouba Singh
of Oinam Mamang Leikai

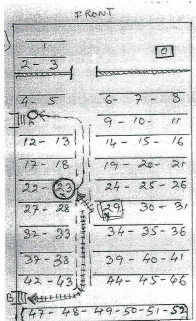
(2) Thingbaijam Ibomcha son of Th. Maimu Singh of
Oinam Mamang Leikai.

Signature of I.O

Dated 17/9/89

EXT. P/7

DIAGRAM OF THE PLACE OF OCCURRENCE (INSIDE THE BUS BEARING NO MN-01 A-3715)



Seat No. 23 marked as X is the seat occupied by the deceased and place of assault.

Seat No. 29 marked as Y is the seat occupied by the accused

"A" the place where the victim stood after receiving the injuries.

"B" is the exit gate from where the accused escaped after stabbing.

Signature of O.C.

Lamsang P.S.

Dated 17/9/89

Ext. P/9

SEIZURE MEMO

Place - Lamsang Police Station

Dated 17/9/89 at 6.30 p.m.

Ref:- FIR No. 96(9)89 Lamsang P.S. u/s 302 IPC

I, S. Nityai Inspector, I.O./OC Lamsang Police Station) have in presence of the undersigned witnesses seized the 2 wearing garments of the accused Thingbaijam @ thangjam Ibotombi Singh 28 years approx., s/o Th. Mangi Singh of Irengbam Mamang Leikai, Rifleman No. 22596 of A-Coy, 1st Bn. Manipur Rifles, Imphal.

- (1) One full long sleeve shirt having light blue/black stripes of cross checks bearing blood like stain on lower right sleeve Marked B-2
- (2) One long pant of light grayish green colour having one right side back pocket and torn mark on mid line hip. Marked B-3

Signatures of witnesses

1. Ibopishak Singh
2. K.Khomba

S. Nityai

O.C. Lamsang P.S.

EXT. P/11

Portion of statement recorded under Section 161 Cr.P.C. of Hanglem Ningol Irengbam Ongbi Tombi Devi (P.W.No.6).

"The said Ibotombi shouted towards the passengers mostly women "Don't touch me !
None should come towards me"

S. Nityai,
O.C. Lamsang P.S.
dated 22/9/89

EXT. P/12

Portion of statement recorded under Section 161 Cr.P.C. of M. Angousana Singh (PW. 4) as contradiction

..... Ibotombi Singh bearing Rifleman No. 22598 A-Coy 1st M.R. submitted the commando knife and one umbrella which he used in stabbing one person. I was a witness as asked by the authority. The said knife was used by Ibotombi Singh this morning in stabbing a friend due to an enmity while the latter was travelling by bus

Sd/- O.C. Lamsang P.S.

Dated 17/9/89