

DECLARATION

I do, hereby declare that the dissertation entitled “*EXAMINATION OF WITNESS BY POLICE: A STUDY ON SONITPUR DISTRICT OF ASSAM*”, has been submitted in partial fulfillment of the requirement for the award of the degree of Master of Laws (LL.M.) under the supervision and guidance of Mr Debajit Kumar Sarmah, Assistant Professor, Department of Law and no part of this research work has been submitted elsewhere for the procurement of any degree. I ensure that full confidentiality has been maintained while writing this dissertation.

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LIST OF ABBREVIATION

- AIR : All India Report
- Art : Article
- Cri.L.J. : Criminal Law Journal
- Eg. : Exempligratia
- Etc : Etceteras (and so forth)
- i.e. : ibid Ibidem (in the same place)
- NCRB : National Crime Report Bureau
- SC : Supreme Court
- SCC :Supreme Court Cases
- SCD : Supreme Court Digest
- SCJ : Supreme Court Journal
- Sec: Section
- Vol.: Volume
- CRPC: The Code of Criminal Procedure

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- 1) *Algupandi V. State of Tamil Nadu, CRIMINAL APPEAL NO.1315 OF 2009.*
- 2) *Arjun and others V. State of Rajasthan, AIR 1994 SC 2507.*
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- 4) *Baleshwar Rai V. State of Bihar, Criminal Appeals Nos. 176 to 178 of 1961 .*
- 5) *Baliram Tikaram Marathe V. Emperor, 1995 2 ALT(Cri) 212.*
- 6) *Bishan Das V. Crown, Criminal Revision No. 3982/2013.*
- 7) *Budda Gangadha V. The State of Andhra Pradesh, 2018 (2) ALT (Crl.) 60 (SC) 1994 .*
- 8) *Chinnathambi V. State, 397 r/w 401.*
- 9) *Flowers V. State, 773 So. 2d 309, 327 (2000).*
- 10) *Gabbu & ors V. State of Madhya Pradesh, 2004 CriLJ 2001.*
- 11) *Gabbu and Others V. State of Madhya Pradesh, 2004 CriLJ 2001.*
- 12) *Ganesh Bhagvan V. State of Maharashtra, Crl.A. No. 1158/2016.*
- 13) *Haji Mohammed V. The State Rep. By, CRL.OP.No.26744 of 2018.*
- 14) *Jaswant Gir V. State of Punjab, (2005) 12 SCC 438).*
- 15) *Kadungath Alavi V. State of Kerala, 1982 CriLJ 94.*
- 16) *Kadungath Alavi V. State of Kerela, 1982 CriLJ 94.*
- 17) *Kani V. State, AIR 1960 Ker 391, 1960 CriLJ 1602.*
- 18) *Laxman Kalu V. State of Maharashtra, [1968] 3 S.C.R. 695.*
- 19) *Laxminarayan And Another V. Returning Officer and ors, 1974 AIR (SC) 66, 1974 (3) SCC 425.*
- 20) *Madhuranatha V. State of Karnataka, Criminal Appeal Nos. 1357-1358 of 2011.*
- 21) *Mahendra Chawla and ors V. Union of India, (CRIMINAL) NO. 156 OF 2016.*
- 22) *Mani V. State Of Tamil Nadu, Criminal Appeal No.1081 of 2005 .*
- 23) *Mohit V. State of Haryana, 2012(4) RCR (Criminal) 543.*
- 24) *Namdev V. State of Maharashtra, (1973) 2 SCC 793.*
- 25) *Nandini Satpathy V. Dani PIL, 1978 AIR 1025 1978 SCR(3).*

- 26) *Narpal Singh V. State of Haryana*, 1977 AIR 1066, 1977 SCR (2) 901.
- 27) *Pratap Chauhan V. Ram Naik*, 2001 AIR 164 SC.
- 28) *Prem Sharma & Shiv Prasad Mishra V. The State of Madhya Pradesh*,
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- 29) *Ram Singh V. Colonel Ram Singh*, 1986 AIR, 3 1985 SCR Supl. (2) 399.
- 30) *Ramesh Kumar V. State of Himachal Pradesh*, CIVIL APPEAL NOS.6649-6650 OF
2021.
- 31) *Ramu Alias Ram Kumar V. State*, 2006 CriLJ 4363, RLW 2007 (3) Raj 2498.
- 32) *Sahadevan And Another V. State of Tamil Nadu*, (2012) 6 SCC 403.
- 33) *Sharadamma V. Renchamma*, AIR 2007 Kant. 17 .
- 34) *State of Assam V. Dr Arup Kumar Baruah*, 3181/2019.
- 35) *State of Haryana V. Shakuntal*, 1979 3 SCR 232.
- 36) *State of M.P. V. Banshilal Behari*, AIR 1936 M.P.13.
- 37) *State of NCT of Delhi V. Ravikant Sharma*, SLP (Crl.) No. 3480 of 2006).
- 38) *State of New Mexico V. Azamar Nolasco*, S-1-SC-37458.
- 39) *State of South Dakota V. Reeves*, Pp. 447 U. S. 434-447.
- 40) *State of U.P V. M.K. Anthony*, AIR 1985 SC 48.
- 41) *State V. Anil & Tony*, CRL.A. 97/2015.
- 42) *State V. Anil & Tony*, CRL.A.97/2015.
- 43) *State V. V.P. Pandi*, 963 AIR 1612, 1964 SCR (2) 1.
- 44) *Swapan Bardhan V. State of Assam*,
- 45) *Swaransingh V. The State of Punjab*, 1957 AIR 637. 1957 SCR 953.
- 46) *Tehsildar Singh and Another V. The State of Uttar Pradesh*, 1959 AIR 1012, 1959 SCR.
- 47) *Yusufali V. State of Maharashtra* , (1967) Bom L.R. 76 (SC).
- 48) *Zahira Shiekh and another V. State of Gujarat*, Criminal Appeal No. 956 of 2003.

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