

GAHC010001332025



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : CrI.A./187/2025**

BABUL ALI  
S/O. LT. LUS ALI, R/O. NAMTI CHARIALI JULAGAON, (NEAR NAMTI BOR  
MASZID), P/O. NAMTI CHARIALI, DIST. SIBSAGAR, ASSAM, PIN-785684.

VERSUS

THE STATE OF ASSAM AND ANR  
REP. BY THE PP, ASSAM.

2:MOFIDA BEGUM  
W/O. HARUHUN ALI  
R/O. NAMTI CHARIALI  
JULAGAON  
P/O. NAMTI CHARIALI  
P/S. NAMTI  
DIST. SIBSAGAR  
ASSAM  
PIN-785684

**Advocate for the Petitioner** : MS S BEGUM, MS N SULTANA,MR F H LASKAR (2),MS. S K  
NARGIS

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**  
**HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

**ORDER**

**Date : 28.05.2025**

**[M. Choudhury, J]**

Heard Ms. N. Sultana, learned counsel for the appellant and Mr. R.R. Kaushik, learned Additional Public Prosecutor for the respondent no. 1, State.

2. This criminal appeal under Section 415[2] of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred against a Judgment and Order dated 05.11.2024 passed by the Court of learned Additional Sessions Judge-cum-Special Judge [POCSO], Sivasagar [‘the Special Court’, for short] in Special [POCSO] Case no. 21/2023 arising out of Namti Police Station Case no. 03/2023. By the Judgment and Order dated 05.11.2024, the Special Court has found the appellant guilty of the offence under Section 506 and Section 376[3], Indian Penal Code read with Section 6, POCSO Act.

3. In view of Section 42 of the POCSO Act, the appellant has been sentenced under Section 6, POCSO Act to undergo rigorous imprisonment for a period of 30 years and to pay a fine of Rs. 30,000/-, in default of payment of fine, to undergo further rigorous imprisonment for a period of 6 months. For the offence under Section 506, IPC, the appellant has been sentenced to undergo imprisonment for 1 year and to pay a fine of Rs. 5,000/-. The sentences are ordered to run concurrently.

4. We have perused the contents of the memorandum of appeal.

5. The appeal is admitted for hearing.

6. The case records of Special [POCSO] Case no. 21/2023 be called for.
7. Issue notice, returnable in 4 [four] weeks.
8. As Mr. Kaushik, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice to the respondent no. 1 is dispensed with.
9. The appellant shall take steps for service of notice upon the respondent no. 2/informant, in terms of the Practice Directions laid down in the Notification no. 17 dated 15.03.2024 and the order dated 23.06.2023 passed in Criminal Appeal [J] No. 40/2022 [Deepak Nayak vs. State of Assam and two others].
10. The learned Additional Public Prosecutor shall obtain a report from the Officer In-Charge, Namti Police Station as regards the service of notice upon the respondent no. 2 and place the same before this Court on or before the returnable date.
11. List the matter after 4 [four] weeks.

**JUDGE**

**JUDGE**

**Comparing Assistant**