

GAHC010001772026



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

I.A.(Crl.)/8/2026

KANAK KALITA ALIAS KANAK CH. KALITA
S/O ATE SUKHNARAM KALITA
VILL. NIZ SALDAH
P.S. SARTHEBARI
DIST. BARPETA
ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP
ASSAM

2:SMTI SABITA DAS
W/O SRI MUKUT DAS
VILL. NIZ SALDAH
P.O. BANGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM. PIN 781375

Advocate for : MR. R ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

09.01.2026

Heard Mr. H.A. Ahmed, learned counsel for the applicant-appellant and Mr. M.P. Goswami, learned Additional Public Prosecutor for the opposite party-respondent no. 1, State of Assam.

2. The instant interlocutory application is preferred seeking suspension of execution of the sentence passed against the applicant-appellant and for his release on bail.

3. The applicant as the appellant has preferred the accompanying appeal, Criminal Appeal no. 4/2026 against a Judgment dated 19.12.2025 passed by the Court of learned Additional Sessions Judge –cum- Special Judge [POCSO], Barpeta in Special [POCSO] Case no. 30/2022 arising out of Sarthebari Police Station Case no. 379/2021. By the Judgment dated 19.12.2025, the applicant-appellant has been convicted for the offence under Section 8 of Protection of Children from Sexual Offences [POCSO] Act, 2012 and he has been sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 5,000/-, in default of payment of fine, to undergo further rigorous imprisonment for a period of six months.

4. Issue notice, returnable 23.02.2026.

5. As Mr. Goswami, learned Additional Public Prosecutor has appeared and accepted notice in respect of the opposite party no. 1, issuance of formal notice in respect of the opposite party no. 1 is dispensed with. The learned counsel for the applicant-appellant shall serve an extra copy of the application along with annexures, to Mr. Goswami within 3 [three] working days from today.

6. The applicant-appellant shall take steps for service of notice upon the respondent no. 2-informant in terms of the Practice Direction laid down in the Notification no. 17 dated 15.03.2024.

7. The learned Additional Public Prosecutor shall obtain a report from the Officer In-Charge, Sarthebari Police Station as regards the service of notice upon the opposite party no.

2-informant and place the same before the Court on or before the returnable date.

8. The prayer made in this interlocutory application will be considered after receipt of the TCR.

9. List the case on 23.02.2026.

JUDGE

Comparing Assistant