

GAHC010001772026



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

Case No. : CrI.A./4/2026

KANAK KALITA ALIAS KANAK CH. KALITA
S/O LATE 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 78137

Advocate for the Petitioner : MR. R ALI, MISS. S PARBIN, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

09.01.2026

Heard Mr. H.A. Ahmed, learned counsel for the appellant and Mr. M.P. Goswami, learned

Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This criminal appeal under Section 415, Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 is preferred 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, which arose out of Sarthebari Police Station Case no. 379/2021. By the Judgment dated 19.12.2025, the 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.

3. I have gone through the contents of the memorandum of the criminal appeal.

4. The criminal appeal is admitted for hearing.

5. Let the case records of Special [POCSO] Case no. 30/2022 be called for.

6. Issue notice, returnable on 23.02.2026.

7. As Mr. Goswami, learned Additional Public Prosecutor has appeared and accepted notice in respect of the respondent no. 1, issuance of formal notice in respect of the respondent no. 1 is dispensed with. The learned counsel for the appellant shall serve a copy of the memo of appeal along with annexures, to Mr. Goswami within 3 [three] working days from today.

8. The 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.

9. 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 respondent no. 2-informant and place the same before the Court on or before the returnable date.

10. List the case on 23.02.2026.

JUDGE

Comparing Assistant