

GAHC010003772024



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

Case No. : CrI.A./3/2024

SURESH SARMA @ SURESH CHANDRA DEV SARMA
S/O LT. ABHAY CHANDRA DEV SARMA R/O SORBHOG UTTAR
GANAKGARI P.S. SARBHOG DIST. BARPETA ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:SANJIB MALA
S/O LT. RAM LAL MALA R/O KUKITAL TEA ESTATE P.S. BAZARICHERRA
DIST. KARIMGANJ ASSA

Advocate for the Petitioner : MR J BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10.01.2024

Heard Mr. J. Borah, learned counsel for the appellant and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent No.1.

2. In this appeal under Section 374(2) of the Cr.P.C., the appellant, namely, Suresh Sarma @ Suresh Chandra Dev Sarma has put to challenge the correctness or otherwise of the judgment and order dated 15.12.2023 passed

by the Court of learned Sessions Judge, Karimganj in Special Sessions Case No. 20/2019.

3. It is to be noted here that vide the judgment and order dated 15.12.2023, the learned Court below had convicted the appellant under Section 354(A) of the IPC, read with Section 12 of the POCSO Act, and sentenced him to suffer rigorous imprisonment for a period of two years and also to pay a fine of Rs. 10,000/- with default stipulation.
4. Perused the memo of appeal and the grounds mentioned therein and also perused the impugned judgment and order dated 15.12.2023.
5. Since admit, call for the records from the learned Court below.
6. Let notice be issued to the respondents returnable in four weeks.
7. Steps be taken by way of Registered post with A/D as well as by usual process upon the respondent No. 2 within a week from today.
8. No formal notice is required to be issued to the respondent No.1 since Mr. Baruah, learned Addl. Public Prosecutor appears and accepts notice. However, extra copies of the appeal be furnished during the course of the day.
9. The learned counsel for the appellant submits that since the appellate was convicted to suffer rigorous imprisonment for two years only, he was allowed to remain on previous bail by the learned Court below and accordingly, prays for allowing the appellant to remain on previous bail till disposal of the appeal.
10. Prayer is allowed.
11. The appellant is allowed to remain on previous bail.
12. List the matter after four weeks.

JUDGE

Comparing Assistant