

GAHC010019742024



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

Case No. : I.A.(Crl.)/226/2024

SADDAM HUSSAIN @ SAMSUL ALOM BARBHUIYA
S/O LATE ABDUL KAHIR
RESIDENT OF VILLAGE JAGADISHPUR PART V
PS KATIGORAH
DIST CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BBY PP ASSAM

2:JAMIR UDDIN
S/O LATE AHMED ALI
RESIDENT OF VILLAGE JAGADISHPUR PART V
PS KATIGORAH
DIST CACHAR
ASSAM 788805

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

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 05.03.2024

Heard Mr. L. R. Mazumder, learned counsel for the applicant. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 389 of the Code of Criminal Procedure, 1973 for stay of the operation of the judgment and order dated 13.12.2023, passed by the learned Special Judge (POCSO), Cachar, Silchar (Addl. Sessions Judge) in Special (POCSO) Case No. 47/2019, whereby the appellant was convicted under Section 6 of the POCSO Act *read with* Section 376 of the Indian Penal Code and sentenced to undergo Rigorous Imprisonment for 10 (ten) years and also to pay fine of Rs. 5,000/- (Rupees five thousand) only in default R.I. for another 2 (two) months, and further for allowing the applicant to go on bail pending disposal of the connected appeal.

Issue notice to the respondents, returnable within 4 (four) weeks.

Since Mr. B. B. Gogoi, learned Additional Public Prosecutor, has entered appearance and accepted notice on behalf of State respondent No. 1, issuance of formal notice to the said respondent is hereby dispensed with. However, he shall be provided with requisite extra-copy of the petition, if not furnished, during the course of the day.

Learned counsel for the applicant shall take steps for service of notice upon respondent No. 2 by registered post with A/D as well as by usual process within a week from today.

List the matter after 4 (four) weeks along with Crl. A. No. 61/2024.

JUDGE

Comparing Assistant