

GAHC010023342024



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

Case No. : Crl.A./158/2024

RAVI KUMAR BHOWEL
S/O - LATE PAUNI BHUSAN BHOWEL, R/O- PUB BHASKAR NAGAR, NEAR
BHASKAR VIDYAPEETH, P.S.- CHANDMARI, DIST- KAMRUP(M), ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PUBLIC PROSECUTOR.

2:SUMAN BHOWAL
S/O - RAVI KUMAR BHOWEL
R/O- HOUSE NO.8
EAST BHASKAR NAGAR
NEAR BHASKAR VIDYAPEETH
P.S.- CHANDMARI
DIST- KAMRUP(M)
ASSAM
PIN-781003

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/469/2024

RAVI KUMAR BHOWEL
S/O - LATE PAUNI BHUSAN BHOWEL
R/O- PUB BHASKAR NAGAR

NEAR BHASKAR VIDYAPEETH
P.S.- CHANDMARI
DIST- KAMRUP(M)
ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PUBLIC PROSECUTOR.

2:SUMAN BHOWAL
S/O - RAVI KUMAR BHOWEL
R/O- HOUSE NO.8
EAST BHASKAR NAGAR
NEAR BHASKAR VIDYAPEETH SCHOOL
P.S.- CHANDMARI
DIST- KAMRUP(M)
ASSAM
PIN- 781003.

Advocate for : MR. T DEURI

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21.05.2024

[M. Choudhury, J]

Heard Mr. T. Deuri, learned counsel for the appellant and Ms. N. Das, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This criminal appeal under Section 374[2], Code of Criminal Procedure, 1973 is directed against a Judgment and Order dated 22.11.2023 passed by the Court of learned Additional Sessions Judge-cum-Special Judge, POCSO, Kamrup [M] in Sessions Special Case no. 46/2022, arising out of All Women Police

Station Case no. 30/2022. By the Judgment and Order dated 22.11.2023, the accused-appellant has been found guilty for the offences under Section 376[2] [f], Indian Penal Code and Section 6 of the Prevention of Children from Sexual Offences [POCSO] Act, 2012. In view of Section 42 of the POCSO Act, the accused-appellant has been sentenced under Section 6 of the POCSO Act, 2012 only and accordingly, he has been sentenced to undergo rigorous imprisonment for 25 years and to pay a fine of Rs. 20,000/-, in default of payment of fine, to undergo simple imprisonment for another 6 [six] months.

3. The appeal is admitted for hearing.

4. Call for the trial court records of Sessions Special Case no. 46/2022.

5. Issue notice, returnable in 4 [four] weeks.

6. As Ms. Das, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice is dispensed with.

7. The learned counsel for the accused-appellant shall furnish a copy of the memo of appeal along with annexures to Ms. Das within 3 [three] working days from today.

8. As the Judgment and Order of conviction and sentence is under Section 6 of the POCSO Act, 2012, the applicant-appellant is required to take steps for service of notice upon the respondent no. 2 in terms of the Practice Directions mentioned in the Notification no. 17 dated 15.03.2024 and the Order dated 23.06.2023 passed in CrI.A[J] no. 40/2022 [Dipak Nayak vs. The State of Assam]. It is accordingly ordered.

9. The learned Additional Public Prosecutor is to obtain a report as regards

service of notice upon the respondent no. 2 from the Officer In-Charge, All Women Police Station on or before the returnable date.

JUDGE

JUDGE

Comparing Assistant