

GAHC010028902025



undefined

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

Case No. : CrI.A./62/2025

DILIP DEBNATH
S/O. LT. RAKHAL DEBNATH, R/O. NAMDANG BASHBARI, P/O. AND P/S.
MARGHERITA, DIST. TINSUKIA, ASSAM. TINSUKIA ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:PINTU RAI
S/O. LT. BHASBESH GOSH
WHO BEING INFORMANT REP. THE VICTIM-MISS X (PW-3) R/O.
NAMDANG BASHBARI
P/O. AND P/S. MARGHERITA
DIST. TINSUKIA
ASSAM

Advocate for the Petitioner : MR. R S MISHRA, MR. R K MAHANTA, MR. A K GUPTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

10.03.2025

1. Heard Mr. A.K. Gupta, the learned counsel for the appellant. Also

heard Mr. P.S. Lahkar, the learned Additional Public Prosecutor appearing for the State of Assam.

2. This application under Section 415(2) of BNSS, 2023 has been preferred by the appellant, namely, Sri Dilip Debnath, impugning the judgment dated 18.12.2024, passed by the learned Additional Sessions Judge-cum-Special Judge, POCSO, Tinsukia in POCSO Case No. 62/2022, whereby the appellant was convicted under Section 10 of the Protection of Children from Sexual Offences Act, 2012 and was sentenced to undergo rigorous imprisonment for 5(five) years and to pay a fine of Rs. 10,000/- (Rupees Ten Thousand) and in default of payment of fine, to undergo further rigorous imprisonment for 4(four) months.

3. The appeal is admitted.

4. Call for the records of POCSO Case No. 62/2022 from the Trial Court.

5. Issue notice to the respondent No. 2, in pursuant to the prevailing Notification No. 17 dated 15.03.2024, of the Registry in that regard.

6. Since the learned Additional Public Prosecutor has appeared for respondent No. 1, no formal notice needs to be issued to the said respondent.

7. The learned counsel for the appellant shall take steps for issuance of notice upon the respondent No. 2 within 7(seven) days from the date of this order, returnable after 4(four) weeks.

8. List accordingly.

JUDGE

Comparing Assistant