

GAHC010051842023



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

Case No. : CRL.A(J)/33/2023

GOPAL SAH
S/O- SRI LAXMAN SHAH, R/O- NORTH BALIJAN TEA ESTATE, DOWANIA
LINE, CHABUA, P.S. CHABUA, DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. AZAD AHMED (AMICUS CURIAE)

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 15/11/2023
Suman Shyam, J

Mr. Azad Ahmed, learned Amicus Curiae is present on behalf of the appellant. Ms. B. Bhuyan, learned Senior counsel and APP, Assam, is present on behalf of the State.

This appeal against judgement and order of conviction had been admitted by order

dated 24/03/2023 and the Paper Book is also ready. However, from the office note, it is not clear as to whether notice has been issued to the victim. Since the conviction in this case is under section 376 of the IPC read with section 6 of the POCSO Act, 2012, in terms of the judgement passed by the Division Bench in the case of ***Dipak Nayak Vs. State of Assam [Crl. Appl. (J) 40/2022]***, notice will have to be served upon the victim.

Registry to, therefore, issue notice upon the victim, to be served upon through her natural guardian, making the same returnable in four weeks.

List the matter again after four weeks with appropriate office note.

JUDGE

JUDGE

sukhamay

Comparing Assistant