

GAHC010073072025



undefined

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

Case No. : I.A.(CrI.)/1349/2025

MUNINDRA KALITA
S/O
LATE RAJANI KALITA
R/O
DAKHIN LENGA
P.O AND P.S BAIHATA CHARIALI
DIST- KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

2:SANKAR DEKA
S/O
LATE RAMANI DEKA
R/O
VILL- RUDRESWAR
P.S. CHANGSARI
DIST- KAMRUP ASSAM

Advocate for : MRS SANGEETA KHATANIAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21.01.2026

[M. Choudhury, J]

Heard Ms. S. Khataniar, learned Legal Aid Counsel for the applicant-appellant and Mr. R.R. Kaushik, learned Additional Public Prosecutor for the opposite party-respondent no. 1, State.

2. The instant application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred seeking suspension of execution of sentence passed against the applicant-appellant and for his release on bail.

3. The applicant as appellant has preferred the accompanying criminal appeal against a Judgment and Order dated 07.06.2023 passed by the Court of learned Additional Sessions Judge-cum-Special Judge [POCSO], Amingaon, Kamrup in Special [P] Case no. 01/2022, arising out of Changsari Police Station Case no. 505/2021. By the Judgment and Order dated 07.06.2023, the applicant-appellant has been convicted for the offence under Section 6 of the Protection of Children from Sexual Offences [POCSO] Act, 2012 and he has been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 50,000/-, with default stipulation.

4. Issue notice, returnable on 27.02.2026.

5. As Mr. Kaushik, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the opposite party no. 1, issuance of formal notice to the opposite party no. 1 is dispensed with.

6. The applicant-appellant shall take steps for service of notice upon the opposite party no. 2 in terms of the Practice Directions laid down in the Notification no. 17 dated 15.03.2024.

7. The learned Additional Public Prosecutor shall file objection to the instant application on or before the returnable date, if so advised.

JUDGE

JUDGE

Comparing Assistant