

GAHC010080282025



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

Case No. : I.A.(Crl.)/377/2025 in Crl.A./136/2025

AMAR MANDAL
S/O- NABIN MANDAL R/O- SANKARDEV NAGAR
WARD NO.5 P.O.- MORIGAON
P.S.- MORIGAON. PIN- 782105 DIST.- MORIGAON ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP
STATE OF ASSAM
GAUHATI HIGH COURT.

2:SMTI. KABITA PATAR
W/O- BABUL PATAR

R/O- VILL.- BANPARA
UNDER MORIGAON POLICE STATION
DIST.- MORIGAON ASSAM PIN- 782105

Advocate for : MRS PURABI HAZARIKA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

Date : 05.05.2026
(M. Zothankhuma, J)

Heard Mr. D. K. Bhattacharyya, learned counsel for the appellant and Ms. A. Begum, learned Addl. PP.

2. This is an application under Section 430 BNS for suspending the sentence to be undergone by the applicant/appellant on being convicted under Section 4(2) of the POCSO Act by the impugned Judgment dated 24.02.2025 passed by the Court of the Addl. Sessions Judge -cum- Special Judge (POCSO), Morigaon, in POCSO Case No. 7/2024.
3. The applicant's counsel submits that the applicant and the victim were in a relationship and there was consent at the time of the incident between the parties. He also submits that the evidence adduced before the learned Trial Court does not conclusively prove that the applicant has committed an offence punishable under Section 4(2) of the POCSO Act.
4. On considering the evidence and keeping in view the fact that the final hearing of the case has been fixed on 08.06.2026, we are not inclined to allow this present application at this stage.
5. The application is accordingly rejected.

Comparing Assistant