

GAHC010095362024



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

Case No. : CRL.A(J)/51/2024

SURAJ PRASAD
S/O SRI LAXMAN PRASAD,
R/O DHEKIAJURI BENGALI GAON, HIJUGURI, P.S. AND DIST.- TINSUKIA,
ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY P.P., ASSAM.

2:SARITA DEKA
W/O GULAB DEKA

VILL.- PARBOTIA
P.S..- TINSUKIA
DIST.- TINSUKIA
ASSAM

Advocate for the Petitioner : MR. B HALDAR (LEGAL AID COUNSEL)

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 07.06.2024
[Manish Choudhury, J.]

Heard Mr. B. Halder, learned Legal Aid Counsel for the accused-appellant and Ms. B. Bhyuan, learned Senior Counsel & Additional Public Prosecutor assisted by Ms. R. Das,

learned counsel for the respondent no. 1, State of Assam.

2. This criminal appeal under Section 374[2], Code of Criminal Procedure, 1973 is preferred against the Judgment and Order dated 13.03.2024 passed by the Court of learned Additional Sessions Judge-2 [FTC], Tinsukia in Sessions Case no. 150 [T]/2022. By the Judgment and Order dated 13.03.2024, the accused-appellant has been convicted for the offences under Sections 302/201, Indian Penal Code [IPC]. For the offence under Section 302, IPC, the accused-appellant has been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.1,000/-, in default of payment of fine, to suffer rigorous imprisonment for 6 [six] months. For the offence under Section 201, IPC the accused-appellant has been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.1,000/-, in default of payment of fine, to suffer rigorous imprisonment for 6 [six] months. Both the sentences are ordered to run concurrently.

3. The appeal is admitted for hearing.

4. The case records of Sessions Case no. 150 [T]/2022 be called for.

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

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

7. The accused-appellant shall take steps for service of notice upon the respondent no. 2 by the registered post with A/D as well as by usual process within 3 [three] days from today.

JUDGE

JUDGE

Comparing Assistant