

GAHC010106672024



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

Case No. : CrI.A./185/2024

RAMJAN ALI
S/O LATE JAYNAL ABEDIN,
VILL.- SATRAKANARA SEAT NO. 6, P.S.- BAGHBAR, DIST.- BARPETA,
ASSAM.

VERSUS

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

2:SAIFUL ISLAM
S/O NURUL ISLAM

VILL.- MOIDHALI PATHAR
PURABAZAR
P.S. AND DIST.- MORIGAON
ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 12.06.2024

[Manish Choudhury, J.]

Heard Mr. R. Ali, learned counsel for the accused-appellant and Ms. A. Begum, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This criminal appeal under Section 374 [2], Code of Criminal Procedure, 1973 is directed against a Judgment and Order dated 09.04.2024 passed by the Court of the learned Additional Sessions Judge-cum-Special Judge [POCSO], Morigaon in POCSO Case no. 191/2022, which arose out of Morigaon Police Station Case no. 338/2022. By the afore-stated Judgment and Order, the accused-appellant has been convicted for the offences under Section 376AB, Indian Penal Code [IPC] and Section 6 of the Protection of Children from Sexual Offences [POCSO] Act, 2012. In view of Section 42 of the POCSO Act, 2012, the accused-appellant he has been sentenced under Section 6 of the POCSO Act, 2012 to undergo rigorous imprisonment for a period of 20 [twenty] years and to pay a fine of Rs. 20,000/-, in default of payment of fine, to undergo rigorous imprisonment for 6 [six] months. The fine amount, if realized from the convict, has been directed to be disbursed to the victim as compensation.
3. The appeal is admitted for hearing.
4. The case records of POCSO Case no. 191/2022 be called for.
5. Issue notice, returnable in 4 [four] weeks.
6. As Ms. Begum, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice stands dispensed with. However, the learned counsel for the accused-appellant shall, however, furnish a copy of the memo of appeal along with annexures, to Ms. Begum within 3 [three] working days from today.
7. As the Judgment and Order of conviction and sentence is *inter alia* under Section 6 of the POCSO Act, 2012, the accused-appellant is required to take steps for service of notice upon the respondent no. 2 in terms of the Practice Directions mentioned in the Notification no. 17 dated 15.03.2024 and the Order dated 23.06.2023 passed in CrI.A[J] no. 40/2022 [Dipak Nayak vs. The State of Assam]. It is ordered accordingly. Such steps on behalf of the accused-appellant are to be completed within one week from today.
8. The learned Additional Public Prosecutor shall obtain a report as regards service of notice upon the

respondent no. 2 from the Officer In-Charge, Udharbond Police Station on or before the returnable date.

JUDGE

JUDGE

Comparing Assistant