

GAHC010109202025



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

Case No. : CRL.A(J)/28/2026

KAMAL BISWAS@KAMAL DAS
S/O PRAMOD BISWAS, R/O VILLAGE SAHARA NR. KHETRI RLY STATION,
PS KHETRI, DISTRICT KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

2:SRI JAGAT SARKAR
S/O SRI ASHUTOSH SARKAR
R/O SALANA
PS KHETRI
KAMRUP(M)
ASSAM

Advocate for the Petitioner : NIRMALA CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

29.05.2026

[1] Heard Ms. N. Choudhury, the learned Legal Aid Counsel for the appellant. Also heard Mr. K. Baishya,

the learned Additional Public Prosecutor appearing for the State of Assam.

[2] This appeal under Section 415(2) of BNSS, 2023 has been filed by the appellant, Kamal Biswas @ Kamal Das, impugning the judgment and order dated 08.08.2018, passed by Special Judge, Kamrup(M) in Sessions Case No. 68/2016, whereby the appellant was convicted under Section 6 of the POCSO Act, 2012 and was sentenced to undergo rigorous imprisonment for 10(ten) years and to pay a fine of Rs. 20,000/-(Rupees twenty thousand only) and in default to undergo further rigorous imprisonment for 6(six) months.

[3] The learned Legal Aid Counsel for the appellant has submitted that the appellant is presently serving out his sentence in Central Jail, Guwahati and he has already completed more than 9 years 10 months of the sentence imposed on him.

[4] In support of her submissions, she has produced a copy of custody certificate issued by the Superintendent Central Jail, Guwahati.

[5] Though this appeal has been belatedly filed however, since the offence involved in this case is under Section 6 of the POCSO Act, 2012, the respondent No. 2 is entitled to be notified about filing of this appeal.

[6] Accordingly, let notice be issued to the respondent No. 2. The notice accompanied by the memo

of appeal shall be provided by the learned Legal Aid Counsel to the Office of the learned Public Prosecutor, who shall forward the same to the Officer-in-Charge of the learned Public Prosecutor, who shall forward the same to the Khetri Police Station for serving the notice on the respondent No. 2.

[7] The appellant shall take steps within 7(seven) days from the date of this order.

[8] Let this matter be listed on 18th June, 2026.

[9] Let also the records of the trial court be called for.

[10] Registry to take steps for requisitioning the records.

[11] List this matter again on 18th June, 2026.

JUDGE

Comparing Assistant