

GAHC010110582024



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

Case No. : I.A.(Crl.)/550/2024

APURBA KALITA @ APU @ ANKUR KALITA
S/O DIPAK KALITA,
VILL.- HALOGAON,
P.S.- HALOGAON, P.S.- SUAL KUCHI,
DIST.- KAMRUP (ASSAM), PIN- 781103.

VERSUS

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

2:LONGKESHWAR DAS
S/O LT. BOHURAM DAS
VILL.- RAMDEA KOMANTONA
P.O.- MAJORKURI (RAMDIA KAMARTOLA)
P.S.- HAJO
DIST.- KAMRUP
ASSAM
PIN- 781102

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 19.06.2024

[Manish Choudhury, J.]

Heard Mr. M.U. Mondal, learned counsel for the applicant-appellant; Ms. S.H. Bora, learned Additional Public Prosecutor for the opposite party no. 1, State of Assam; and Mr. J.

Das, learned Legal Aid Counsel for the opposite party no. 2-informant.

2. This is an application under Section 389[1], Code of Criminal Procedure, 1973 seeking suspension of execution of the sentence passed against the applicant-appellant and for his release on bail. The applicant as the appellant, has preferred the connected appeal under Section 374[2], CrPC against a Judgment and Order dated 16.06.2023 passed by the Court of learned Additional Sessions Judge-cum-Special Judge [POCSO], Kamrup, Amingaon in Special [P] Case no. 14/2016. By the Judgment and Order, the applicant-appellant has been convicted for the offence under Section 4 of the POCSO Act and he has been sentenced to undergo rigorous imprisonment for twenty years and to pay a fine of Rs. 25,000/-, with default stipulation.

3. Issue notice, returnable in 3 [three] weeks.

4. As Ms. Bora, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the opposite party no. 1 and Mr. Das, learned Legal Aid Counsel has appeared and accepted notice on behalf of the opposite party no. 2-informant, issuance of formal notice to the opposite parties stand dispensed with. The learned counsel for the applicant-appellant shall furnish requisite nos. of extra copies of the application along with annexures, to Ms. Bora and Mr. Das respectively within 3 [three] working days from today.

5. The opposite parties are to file their objections to the interlocutory application on or before the returnable date, if so advised.

JUDGE

JUDGE

Comparing Assistant