

GAHC010111232023



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

Case No. : CRL.A(J)/68/2023

BIJAY DAS
S/O DHIREN DAS,
VILL.- GOSHAIBANI, HIRAPARA,
P.S.- MATIA, DIST.- GAOLPARA, PIN- 783125.

VERSUS

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

2:INFORMANT
CHITRA DAS
W/O LATE DINESH DAS
GOXAIBARI (BIRAPARA)
P.S.- MATIA
DISTRICT- GOALPARA
ASSA

Advocate for the Petitioner : MS S SARMA HAZARIKA, LEGAL AID COUNSEL

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 04.04.2024

[M. Choudhury, J]

Heard Ms. S. Sarma Hazarika, learned counsel for the appellant and Ms. B.

Bhuyan, learned Additional Public Prosecutor and Senior Counsel assisted by Ms. M. Chakraborty, learned counsel for the respondent no. 1, State of Assam.

Previously, the respondent no. 2 was directed to be served notice by registered post with A/D as well as by usual process through the jurisdictional Magistrate. As per office note dated 21.03.2024, the notice sent earlier to the respondent no. 2 by registered post with A/D, has been received back with postal remark, 'Not known, Return to Sender'.

As the conviction and sentence is *inter alia* under Section 4 of the POCSO Act, 2012, the 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].

The Additional Public Prosecutor is requested to undertake the requisite steps for service of notice upon the respondent no. 2 in terms of the above observations.

List the case after 4 [four] weeks for service report.

JUDGE

JUDGE

Comparing Assistant