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

Case No. : Crl.A./193/2025

RAM LOCHAN CHOUDHURY
S/O LATE JALESWAR CHOUDHURY, R/OI VILL- DOIGRUNG NO. 2, P.S.-
GOLAGHAT, DIST- GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SMTI MUNI TELENGA
W/O SRI BIRAJ TELENGA
R/O VILL- NO. 2 DOIGRUNG TEA ESTATE
JONGHOL LINE
P.S.- GOLAGHAT
PIN-785702
DIST- GOLAGHAT
ASSA

Advocate for the Petitioner : MR. P K MUNIR, MR. A. GAYAN, J BHUYAN

Advocate for the Respondent : PP, ASSAM,

Linked Case : I.A.(Crl.)/1144/2023

RAM LOCHAN CHOUDHURY
S/O LATE JALESWAR CHOUDHURY
VILL.- DOIGRUNG NO. 2
P.S.- GOLAGHAT
DIST.- GOLAGHAT
ASSAM.

VERSUS

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

Advocate for : MR. P K MUNIR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : **02.09.2025**
(M. Zothankhuma, J)

Heard Mr. P. K. Munir, learned counsel for the appellant, who submits that though the victim had a school certificate showing her date of birth, the same was not exhibited during trial. The ossification test conducted upon the victim showed that she was between 16 and 18 years of age. As there can be a margin of error of plus or minus two years, in relation to an ossification test, the victim would have been 18 years of age on the date of the alleged rape, keeping in view the decision of the Division Bench of the Delhi High Court in ***Crl. Ref.2/2024 (Court on its own motion Vs. State of NCT of Delhi)***, which was decided on 02.07.2024 and in the case of ***Jyoti Prakash Rai Vs. State of Bihar*** reported in ***(2008) 15 SCC 223***.

Ms. A. Begum, learned Public Prosecutor for the state respondent, shall obtain instructions with regard to page 76 of the paper book, which

shows that the school certificate that had been issued to the victim showed her date of birth to be 2007. Ms. A. Begum, shall also obtain instructions, as to whether the said school certificate, which had been released on Zimma to the parents of the victim, contains the day, month and year when the victim was born. She shall also look for citations with regard to whether the court should lean on the lower side of the victim's age; that has been reflected in relation to an ossification test of a victim of the crime, in matters relating to the POCSO Act, 2012.

List the matter on 16.09.2025.

JUDGE

JUDGE

Comparing Assistant