

GAHC010135252024



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

Case No. : Crl.A./223/2024

SONE RABHA @ SONESWAR RABHA
BENUDHAR RABHA,
VILL.- OUGURI, P.S.- CHAYGAON, DIST.- KAMRUP, ASSAM.

VERSUS

STATE OF ASSAM AND ANR.
REP. BY PUBLIC PROSECUTION.

2:BHADRESWAR RABHA
S/O LATE CHNADRA RABHA

VILL.- BHERBHERI
P.S.- CHAYGAON
DIST.- KAMRUP
PIN- 781124

Advocate for the Petitioner : MR. K R PATGIRI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 24.07.2024

Heard Mr. K.R. Patgiri, learned counsel for the appellant. Also Mr.

B. Sarma, learned Additional Public Prosecutor for the State/respondent No.1.

This is an appeal under Section 374 r/w Section 482 Cr.P.C. against the judgment and order dated 05.06.2024 passed in connection with Special (POCSO) Case No. 25/2017 by the learned Special Judge(POCSO) Kamrup, Amingaon, wherein the appellant was convicted and sentenced to undergo rigorous imprisonment for 10(ten) years for the offence under Section 6 of POCSO Act and to pay a fine of Rs. 5,000/-, in default to undergo simple imprisonment for another 2(two) months.

The appeal is admitted.

Issue notice.

The learned counsel for the appellant is directed to take step for service of notice to the respondent No. 2.

The present application is arising out of the POCSO Act, accordingly, in view of the above facts and in terms of the judgment of this Court passed in Dipak Nayak vs. State of Assam [Criminal Appeal(J) 40/2022], notice be issued to the victim/guardian of the victim/informant through the O.C., concerned Police Station.

The appellant shall submit a copy of the petition to the Registry of this Court, who shall furnish the same to the learned Additional Public Prosecutor. The learned Additional Public Prosecutor shall thereafter forward the same to the O.C. concerned P.S., who shall serve the same to the victim/guardian of the victim/informant. The O.C. concerned P.S. shall thereafter give a report of service of the petition/notice to this Court.

No formal notice required to be served upon the respondent No.1 as because Mr. Sarma, Addl.P.P. has entered appearance.

Extra copy of the petition shall be provided to Mr. Sarma.

Call for the trial court record pertaining to Special(POCSO) Case No. 25/2017, from the court of learned Special Judge(POCSO) Kamrup, Amingaon. The Registry is directed to procure the same.

List the matter after four weeks along with Crl.A./219/2024 and Crl.A./222/2024.

JUDGE

Comparing Assistant