

GAHC010136902025



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

Case No. : I.A.(CrI.)/10/2026

SRI DEEP JYOTI DEKA
SON OF LATE JUGEN DEKA ALIAS GANESH DEKA
RESIDENT OF VILLAGE NA-KHULA GAON
KONABORI MOINAJAN
P.S. - JAGIROAD
DIST - MORIGAON
ASSAM PIN - 782105

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

2:SMTI RUMI BORA
WIFE OF LUHIT CH BORA
RESIDENT OF VILLAGE TARANGAPAR

P.S. - JAGIROAD

DIST - MORIGAON
ASSAM
PIN - 782410
PRESENTLY RESIDING AT PURANIGUDAM

P.S. - RUPOHI
DIST - NAGAON
ASSAM
PIN - 782141

Advocate for : MS PINKI DEKA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21.01.2026

[M. Choudhury, J]

Heard Ms. C. Gogoi, learned counsel appearing on behalf of the applicant-appellant and Ms. B. Bhuyan, learned Senior Counsel and Additional Public Prosecutor assisted by Ms. R. Das, learned counsel for the opposite party-respondent no. 1, State of Assam.

2. The instant application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred seeking suspension of execution of sentence passed against the applicant-appellant and for his release on bail.

3. The applicant as appellant has preferred the accompanying criminal appeal against a Judgment and Order dated 10.09.2024 passed by the Court of learned Additional Sessions Judge-cum-Special Judge [POCSO], Morigaon [‘the Special Court’, for short] in POCSO Case no. 295/2023, arising out of Jagiroad Police Station Case no. 229/2022. By the Judgment and Order dated 10.09.2024, the Special Court has convicted the accused-appellant for the offences under Section 376[3], Indian Penal Code [IPC] and Section 366, IPC. For the offence under Section 376[3], IPC, the accused-appellant has been sentenced to undergo rigorous imprisonment for life, which means imprisonment for the remainder of his natural life and to pay a fine of Rs. 20,000/-, with default stipulation. For the offence under Section 366, IPC, he has been sentenced to undergo rigorous imprisonment for five years and to pay

a fine of Rs. 10,000/-, with default stipulation. The sentences are ordered to run concurrently.

4. Issue notice, returnable on 02.03.2026.

5. As Ms. Das, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the opposite party no. 1, issuance of formal notice to the opposite party no. 1 is dispensed with.

6. The applicant-appellant shall take steps for service of notice upon the opposite party no. 2 in terms of the Practice Directions laid down in the Notification no. 17 dated 15.03.2024.

7. The learned Additional Public Prosecutor shall file objection to the instant application on or before the returnable date, if so advised.

JUDGE

JUDGE

Comparing Assistant