

GAHC010141782025



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

Case No. : CrI.A./249/2025

KAMAL NATH
S/O. LT. RAMESWAR NATH, R/O. VILL.- GHARAMAKHA, P/S. MAJBAT, DIST.
UDALGURI, ASSAM.

VERSUS

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

2:DHARMESWAR BORO
S/O. LT. RAMAKANTA BORO
R/O. VILL.- LAKRA BARNAGAR
P/S. GORESWAR
DIST. UDALGURI
ASSAM

Advocate for the Petitioner : MR S H SIKDAR,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : --04.08.2025

Heard Mr. S.H. Sikdar, learned counsel for the accused-appellant and Mr. R.R. Kaushik, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This criminal appeal under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred against a Judgment and Order dated 16.06.2025 passed by the Court of learned Special Judge, Rangia at Kamrup [‘the Special Court’, for short] in Special [P] Case no. 07/2015, which arose out of Baihata Chariali P.S. Case no. 145/2013. By the Judgment and Order dated 16.06.2025, the accused-appellant has been convicted for the offences under Section 376, Indian Penal Code [IPC] read with Section 511, IPC and under Section 10, Protection of Children from Sexual Offences [POCSO] Act, 2012. For the Offence under Section 376/511, IPC, the accused-appellant has been sentenced to undergo rigorous imprisonment of 5 [five] years and to pay a fine of Rs. 5,000/-, in default of payment of fine, to undergo simple imprisonment of another month. For the offence under Section 10, POCSO Act, the accused-appellant has been sentenced to undergo rigorous imprisonment of 5 [five] years and to pay a fine of Rs. 5,000/-, in default of payment of fine, to undergo simple imprisonment of another month. The sentences are ordered to run concurrently.

3. I have gone through the grounds urged in the memorandum of appeal.

4. The criminal appeal is admitted for hearing.

5. The case records of Special [P] Case no. 07/2015 be called for.

6. Issue notice, returnable in 4 [four] weeks.

7. As Mr. Kaushik, learned Additional Public Prosecutor has appeared and accepted notice for the respondent no. 1, State of Assam, formal notice need not be issued to the said respondent. Mr. Sikdar, learned counsel for the accused-appellant shall furnish an extra copy of the memorandum of appeal along with the annexures, to Mr. Kaushik, within 2 [two] working days from today.

8. The appellant shall take steps for service of notice upon the respondent no. 2 in terms of the Practice Direction laid down in the Notification no. 17 dated 15.03.2024, within 3

[three] working days from today.

9. The learned Additional Public Prosecutor is to obtain a report as regards service of notice upon the respondent no. 2 from the Officer-in-Charge, Baihata Chariali Police Station to place the same on the returnable date.

JUDGE

Comparing Assistant