

GAHC010147162025



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

Case No. : Crl.A./271/2025

NISAR AHMED
S/O. MD. SIRAJUL HAQUE, R/O. VILL.- KACHARIPAM, P/S. TEZPUR, DIST.
SONITPUR, ASSAM, PIN-784001.

VERSUS

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

2:RATNESWAR NAYAK
LT. SUMAN NAYAK
R/O. HARIGAON
POROWA
P/O. AND P/S. TEZPUR
DIST. SONITPUR
ASSAM
PIN-78400

Advocate for the Petitioner : P BORUAH, H BORUAH, MR D K MEDHI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 01.08.2025

Heard Ms. P. Boruah, learned counsel for the accused-appellant and Mr. M.P. Goswami, 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 02.06.2025 passed by the Court of learned Special Judge, POCSO, Sonitpur, Tezpur [the Special Court', for short] in Special POCSO Case no. 43/2022, arising out of Tezpur Police Station Case no. 812/2022. By the Judgment and Order dated 02.06.2025, the accused-appellant has been convicted for the offence under Section 8, Protection of Children from Sexual Offences [POCSO] Act, 2012 and he has been sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 10,000/-, in default of payment of fine, to undergo simple imprisonment for a period of three months. In view of Section 42, POCSO Act, no separate punishment has been imposed upon the accused-appellant under Section 354, IPC.

3. I have gone through the contents of the memorandum of appeal.

4. The criminal appeal is admitted for hearing.

5. The case records of Special POCSO Case no. 43/2022 be called for.

6. Issue notice, returnable on 01.09.2025.

7. As Mr. Goswami, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice to the respondent no. 1 is dispensed with. However, an extra copy of the memo of appeal along with annexures, is to be furnished to Mr. Goswami within 2 [two] working days from today.

8. The accused-appellant shall take steps for service of notice upon the

respondent no. 2/informant, in terms of the Practice Directions laid down in the Notification no. 17 dated 15.03.2024.

9. The learned Additional Public Prosecutor shall obtain a report from the Officer In-Charge, Tezpur Police Station as regards the service of notice upon the respondent no. 2/informant and place the same before this Court on or before the returnable date.

10. List the case on 01.09.2025.

JUDGE

Comparing Assistant