

GAHC010161632025



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

Case No. : CrI.A./264/2025

BHAITY ALI @ MISTRY
S/O. MD. SARKAR ALI, R/O. VILL.- MORIMUSLIM GAON, WARD NO. 7, P/S.
MORIGAON, DIST. MORIGAON, ASSAM, PIN-782105.

VERSUS

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

2:NAJI BEGUM
W/O. GULZAR ALI
R/O. VILL.- TELAHI NAROMARI
P/S. MORIGAON
DIST. MORIGAON
ASSAM
PIN-782105

Advocate for the Petitioner : MR A ATREYA, MS. C KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

13.08.2025

Heard Mr. A. Atreya, learned counsel for the 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[2], Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 is preferred against a Judgment and Order dated 28.05.2025 passed by the Court of learned Additional Sessions Judge –cum- Special Judge [POCSO], Morigaon in POCSO Case no. 114/2019, which arose out of Morigaon Police Station Case no. 979/2019. By the Judgment and Order dated 28.05.2025, the appellant has been convicted for the offence under Section 10 of Protection of Children from Sexual Offences [POCSO] Act, 2012 and Section 354, Indian Penal Code [IPC]. For the offence under Section 10 of POCSO Act, the appellant has been sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs. 10,000/-, in default of payment of fine, to undergo rigorous imprisonment for six months. For the offence under Section 354, IPC, the appellant has been sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs. 5,000/-, in default of payment of fine, to undergo rigorous imprisonment for three months. The sentences are ordered to run concurrently.

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

4. The criminal appeal is admitted for hearing.

5. The case records of POCSO Case no. 114/2019 be called for.

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

7. As Mr. Goswami, learned Additional Public Prosecutor has appeared and accepted notice in respect of the respondent no. 1, issuance of formal notice in respect of the respondent no. 1 is dispensed with. The learned counsel for the appellant shall serve a copy of the memo of appeal along with annexures, to Mr. Goswami within 3 [three] working days from today.

8. The appellant shall take steps for service of notice upon the respondent no.

2/informant in terms of the Practice Direction 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, Morigaon Police Station as regards the service of notice upon the respondent no. 2-informant and place the same before the Court on or before the returnable date.

10. List the case after 4 [four] weeks.

JUDGE

Comparing Assistant