

GAHC010202662024



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

**Case No. : CRL.A(J)/132/2024**

SERU BARMAN @ KHIREN BARMAN @ CHERA  
S/O-GAYAN BARMAN, R/O-VILL-DWARKA BAZAR, P.S.-LAKHIPUR,  
DISTRICT-GOALPARA, ASSAM, PIN -783129

VERSUS

THE STATE OF ASSAM AND ANR  
REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

2:JUNU BARMAN  
W/O-PHUKON BARMAN  
R/O-VILL-DWARKA KISHORIDABI  
P.S.-LAKHIPUR  
DISTRICT-GOALPARA  
ASSAM  
PIN-78312

**Advocate for the Petitioner** : MS N HASSAN,

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE  
HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 22.11.2024**

Heard Ms. N. Hassan, learned counsel for the appellant. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an appeal under Section 374(2) Cr.PC against the judgment

dated 17.05.2024 and order of conviction and sentence dated 18.05.2024 passed by the learned Special Judge, Goalpara in Special POCSO Case No. 12/2023, wherein the appellant was convicted under Section 448/354B IPC and Section 10 of POCSO Act.

The appeal is admitted.

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. Goswami, Addl.P.P. has entered appearance.

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

Call for the trial court record. The Registry is directed to procure the same.

List the matter after four weeks.

**JUDGE**

**Comparing Assistant**