

GAHC010204162022



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

Case No. : Crl.A./252/2022

SHAJIT AHMED @ SAJIT AHMED .
S/O RAFIKUL ISLAM, RESIDENT OF VILLAGE KAJIAMATI, PO AND PS
GOBARDHANA, DIST BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY PP ASSAM

2:BILLAL HUSSAIN
S/O LATE ABDUL GANI
RESIDENT OF VILLAGE SATIPUR
PS DHALIGAON
DIST CHIRANG
ASSA

Advocate for the Petitioner : MR A W AMAN, MR. SURAJIT DAS,MR SARFRAZ NAWAZ,MR
S T ADNAN,MS SURAYA RAHMAN,MR S A BARBHUYAN

Advocate for the Respondent : PP, ASSAM, MS. L DEVI (R-2)

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 02.09.2024
(M. Choudhury, J)

Heard Mr. S. Nawaz, learned counsel for the appellant; Ms. B. Bhuyan, learned Senior Counsel and Additional Public Prosecutor for the State respondent No. 1, State of Assam; and Ms. L. Devi, learned Legal Aid Counsel for the respondent No. 2.

Ms. B. Bhuyan, learned Senior Counsel & Additional Public Prosecutor has submitted that an affidavit regarding the state of affairs in the District of Chirang during the relevant period as regards the Office of the Public Prosecutor has been filed.

In this criminal appeal, the issue is regarding trial of an offence under a special act, i.e. the Protection of Children from Sexual Offences Act, 2012 [‘POCSO Act, 2012’, for short]. The Judgment and Order dated 24.08.2022, passed in Special POCSO case no. 05 of 2020 is under challenge.

It has been submitted at the Bar that the learned Public Prosecutor, appointed in the district of Chirang, used to conduct the trials before the learned Special Court in respect of cases under the POCSO Act, 2012 during the relevant period of time.

It further transpires that an Order under Memo No. DJCH/V-10/2020-2021/2185, dated Kajalgaon 23rd September, 2021, was passed by the then District & Session Judge, Chirang whereby the concerned Public Prosecutor was

debarred from conducting the sessions cases which also included cases under the POCSO Act, 2012.

Ms. B. Bhuyan, learned Senior Counsel and Additional Public Prosecutor shall obtain a copy of the Order under Memo No. DJCH/V-10/2020-2021/2185, dated Kajalgaon 23rd September, 2021 passed by the then District & Session Judge, Chirang. She shall also obtain instruction as to whether during the relevant period of time, a Special Public Prosecutor for conducting cases under the POCSO Act, 2012 was appointed in terms of the provision contained in Section 32 of the POCSO Act, 2012 and to place concerned Notification published in the Official Gazette, if any.

List the case on 13.09.2024.

JUDGE

JUDGE

Comparing Assistant