

GAHC010220592023



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

Case No. : CrI.A./151/2024

BAPMONI DEKA
S/O-LATE HARENDRA DEKA, R/O VILLAGE- SOLMARI, P.S.-MORIGAON,
DIST- MORIGAON, ASSAM-782126.

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR.

2:PUSPALATA BHARALI
W/O- SRI DHIRENWAR BHARALI
R/O VILLAGE- SOLMARI
DIST- MORIGAON
ASSAM-782126

Advocate for the Petitioner : MR D K BHATTACHARYYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03.06.2024

Heard Mr. A. Gautam, learned counsel for the appellant. Also heard Mr. B. Sarma, learned Public Prosecutor for the State/respondent No.1.

This is an appeal under Section 374 r/w Section 382 Cr.P.C. against

the judgment and order dated 02.05.2023 passed by the learned Sessions Judge –cum- Special Judge (POCSO), Morigaon, in POCSO Case No. 89/2021.

The appeal is admitted.

Issue notice.

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., Morigaon 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, Morigaon P.S., who shall serve the same to the victim/guardian of the victim/informant. The O.C., Morigaon 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. Sarma, Addl.P.P. has entered appearance.

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

Call for the trial court record pertaining to POCSO Case No. 89/2021, from the court of learned Sessions Judge-cum-Special Judge(POCSO), Morigaon. The Registry is directed to procure the same.

List the matter after four weeks.

JUDGE

Comparing Assistant