

GAHC010220822022



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

Case No. : Crl.A./308/2022

PANKAJ DAS
S/O KHAGEN DAS,
RESIDENT OF AUNIATI ALIMUR,
PO KAMALABARI, PS MAJULI, DIST MAJULI, ASSAM, 785104

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY PP ASSAM

2:SRI BINDESWAR PRASAD
S/O SIWAJILAL PRASAD

RESIDENT OF SONARIBARI
KALAKHOWA
PO KAMALABARI
PS AND DIST MAJULI
ASSAM
78510

Advocate for the Petitioner : MR W R MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

18.11.2022.

Heard Mr. W.R. Medhi, learned counsel for the appellant and also heard Ms. S.H. Bora, learned Addl. P.P., Assam appearing for the State respondent.

This appeal under Section 374(2) of the Code of Criminal Procedure, 1973, is preferred by the appellant Pankaj Das, challenging the judgment and order dated 28.09.2022, passed by the learned Special Judge, Majuli, in Special Case No.1/2022, arising out of Majuli P.S. Case No.11/2022, under Section 4 of the POCSO Act.

It is to be noted here that vide the judgment and order dated 28.09.2022, the learned Court below has convicted the appellant under Section 4 of the POCSO Act and sentenced him to suffer R.I. for 10 years and also to pay a fine of Rs.10,000/-, with default stipulation.

Perused the appeal and the grounds assigned therein.

Admit.

Let notice be issued to the respondent No.2, returnable in 4 (four) weeks. Steps be taken for service of notice upon respondent No.2, by registered post with A/D as well as by usual process within a week from today.

No formal notice is required to be issued to State respondent No.1, as Ms. S.H. Bora, learned Additional Public Prosecutor, Assam has entered appearance and accepted notice. However, she shall be provided with requisite extra-copy of the petition during the course of the day.

Call for the records, from the Court below.

List the matter after four weeks.

JUDGE

Comparing Assistant