

GAHC010236162025



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

Case No. : I.A.(Crl.)/1169/2025

ARIFUL ALI @ INAMUL HOQUE
S/O. WASHKURANI @ WAZ KURANI @ OWAJ KURUNI
R/O. VILLAGE - BARUK MANIKPUR
BUJRUH MANIKPUR
P S.- KRISHNAI
DISTRICT - GOALPARA
ASSAM.

2: TEPERA @ SAHABUL ALI @ SAHABUL HOQUE
S/O. LT. SUTU SHEIKH @ KAFIRUDDIN SHEIKH
R/O. VILLAGE - SAKOMARI KHAMAR
P.S.- KRISHNAI
DISTRICT - GOALPARA
ASSAM
VERSUS

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

2:NASIMA BIBI
W/O. MD. RAJU ALI
R/O. VILLAGE - SAKOMARI
P.S.- KRISHNAI
DISTRICT - GOALPARA-783126
ASSAM

Advocate for : MR S K CHHETRY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

Linked Case : CrI.A./402/2025

ARIFUL ALI @ INAMUL HOQUE AND ANR
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R/O. VILLAGE - BARUK MANIKPUR
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BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 23.04.2026

(M. Zothankhuma, J)

Heard Mr. N. Uddin, learned counsel for the applicant/appellant. Also heard

Mr. R.R. Kaushik, learned Addl. P.P., Assam appearing for the State.

2. This is an application under Section 9(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, for declaring the applicant/appellant Ariful Ali as a juvenile on the date of commission of the alleged offence.

3. The applicant/appellant Ariful Ali and co-accused appellant Tepera have been convicted under Section 376(D) IPC read with Section 34 IPC by the learned Sessions Judge, Goalpara in Sessions Case No.139/2017, vide Judgment dated 27.08.2025.

4. The prosecution case is that the 2 appellants had both raped the victim at the point of a knife on 19.06.2014 at about 8 p.m. at night. In view of the FIR dated 21.06.2014, Krishnai P.S. Case No.114/2014 was registered against the appellants under Section 376/34 IPC. The appellant Ariful Ali was arrested on 06.10.2017, while appellant Tepera @Sahabul Ali was arrested on 08.08.2018, as they had been absconding. They were convicted after trial vide the impugned Judgment dated 27.08.2025. During the entire period of trial, the appellant Ariful Ali never took the plea that he was a juvenile or that the name Ariful Ali was a nickname.

5. The appellant Ariful Ali has now filed the present application stating that his actual name is Inamul Hoque and that all the documents pertaining to the appellant Ariful Ali is in the name of Inamul Hoque. As Ariful Ali and Inamul Hoque is one and the same person, the appellant Ariful Ali should be considered to be a juvenile in view of the documents annexed to the application, showing him to be a juvenile.

6. Mr. R.R. Kaushik, learned Addl. P.P. submits that the question of whether

Ariful Ali and Inamul Hoque is the same person would first have to be considered, before the plea of juvenility raised by the appellant Ariful Ali can be considered. He prays that some time may be given for filing written objection. He however submits that it is highly unlikely that Ariful Ali is Inamul Hoque, as no such plea was ever taken earlier.

7. Accordingly, 6(six) weeks' time is given for filing written objection.

8. The records show that the appellant Ariful Ali had been released on bail on 23.10.2017. The name of the appellant on the bail bond would also have to be ascertained and as such, a copy of the bail bond should also be perused with regard to the claim of the applicant/appellant that his actual name is Inamul Hoque.

9. List the matter on **11.06.2026**.

JUDGE

JUDGE

Comparing Assistant