

GAHC010258112024



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

Case No. : Crl.A./415/2024

LALAN CHOUHAN AND 3 ORS
S/O LATE PURNABASI CHOUHAN,
RESIDENT OF VILLAGE MAZHAR BASTI, BAKALIA, PO PUB SILPOTA, PS
BAKALIA, DIST EAST KARBI ANGLONG, ASSAM 782482

2: JAWAHAR LAL CHOUHAN
S/O LATE PURNABASI CHOUHAN

RESIDENT OF VILLAGE MAZHAR BASTI
BAKALIA
PO PUB SILPOTA
PS BAKALIA
DIST EAST KARBI ANGLONG
ASSAM 782482

3: JOY NARAYAN CHOUHAN
S/O LATE SHIV BACHAN CHOUHAN

RESIDENT OF VILLAGE MAZHAR BASTI
BAKALIA
PO PUB SILPOTA
PS BAKALIA
DIST EAST KARBI ANGLONG
ASSAM 782482

4: KANTA CHOUHAN
S/O LATE SHIV BACHAN CHOUHAN

RESIDENT OF VILLAGE MAZHAR BASTI
BAKALIA
PO PUB SILPOTA
PS BAKALIA
DIST EAST KARBI ANGLONG
ASSAM 78248

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:BIJOY CHOUHAN
S/O LATE BISWANATH CHOUHAN

RESIDENT OF AKSHAYGURI GAON
PO NO. 1 KAKI
PS KAKI
DIST NAGAON
ASSAM 78244

Advocate for the Petitioner : MR. S CHAUHAN, MR B B NARZARY,M. BORUAH,R DEB,MR.
P MAZUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09/12/2024

Suman Shyam, J

Heard Mr. B.B. Narzary, learned senior counsel assisted by Mr. S. Chauhan, learned counsel for the appellants.

This appeal is directed against the judgement and order dated 18/11/2024 passed by the learned Sessions Judge, Hojai, Sankardev Nagar, in Sessions Case No. 146(H)/2013, convicting each of the appellants under sections 302 read with section 149 of the IPC and sentencing each of them to undergo rigorous imprisonment for life and also to pay fine of Rs. 25,000/- each, in default to undergo simple imprisonment for 1(one) year. Each of the appellants have also been convicted under sections 325 IPC read with section 149 of the IPC and sentenced to undergo rigorous imprisonment for 5 (five) years and to pay fine of Rs. 10,000/- each, in default to suffer simple imprisonment for 6 (six) months each. We have perused the grounds taken in the Memorandum of Appeal.

Admit the appeal.

Call for the LCR.

Issue notice returnable in four weeks.

Since Ms. S. Janan, learned APP, Assam, has appeared and accepted notice on behalf of the respondent no.1/State, no formal notice is required to be sent to the said respondent.

Appellants to take steps for service of notice upon the respondent no. 2/informant by registered post with A/D.

In view of the submission made by Mr. Chauhan, a police report through the APP, Assam, be called for indicating as to whether, the respondent no.2/informant in this case is still alive.

List accordingly.

JUDGE

JUDGE

sukhamay

Comparing Assistant