

GAHC010275982025



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

Case No. : CrI.A./447/2025

SRI BISWA DAS
SON OF SRI MANIK DAS, RESIDENT OF TENGANI DIGHOLI MAJGAON
POLICE STATION-BORPATHAR DISTRICT -GOLAGHAT, ASSAM PIN-785602

VERSUS

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

2:SMTI NIZORA GOGOI
WIFE OF SRI KAMAL GOGOI
RESIDENT OF VILLAGE NAHARKHANA MISING GAON
POLICE STATION-BARPATHAR DISTRICT -GOLAGHAT
ASSAM. PIN-78560

Advocate for the Petitioner : MR. T DEURI, U BHARADWAJ,MS. L WANGSA,MS A
DAS,MRS. R S DEURI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 19.12.2025

Heard Mr. T. Deuri, learned counsel for the appellant and Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent no. 1, State of

Assam.

2. The present criminal appeal under Section 415, Bharatiya Nagarik Suraksha Sanhita, 2023 is directed against a Judgment and Order dated 13.10.2025 passed by the Court of learned Special Judge [POCSO], Golaghat in Special [POCSO] Case no. 72/2021. By the Judgment and Order dated 13.10.2025, the accused-appellant has been convicted for the offence under Section 448, Indian Penal Code and Section 10, Protection of Children from Sexual Offences [POCSO] Act, 2012. For the offence under Section 448, IPC, the accused-appellant has been sentenced to undergo simple imprisonment for one year and to pay a fine of Rs. 1,000/-, with default stipulation. For the offence under Section 10, POCSO Act, the accused-appellant has been sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs. 10,000/-, without default stipulation.

3. I have gone through the grounds urged in the memorandum of appeal.

4. The criminal appeal is admitted for hearing.

5. Let the TCR be called for.

6. Issue notice, returnable on 13.02.2026.

7. As Mr. Goswami, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice to the respondent no. 1 is dispensed with. However, an extra copy of the memo of appeal along with annexures, is to be furnished to Mr. Goswami within 2 [two] working days from today.

8. The accused-appellant shall take steps for service of notice upon the

respondent no. 2/informant, in terms of the Practice Directions laid down in the Notification no. 17 dated 15.03.2024.

9. The learned Additional Public Prosecutor shall obtain a report from the Officer In-Charge of the jurisdictional Police Station as regards the service of notice upon the respondent no. 2/informant and place the same before this Court on or before the returnable date.

10. List the case on 13.02.2026.

JUDGE

Comparing Assistant