

GAHC020000742026



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

**Case No. : CRL.REVN/4/2026**

SRI. BISHNU SHARMA  
AGED ABOUT 40 YEARS, S/O LATE DILU RAM SHARMA, R/O DAMAK VILLAGE,  
JHAPA NEPAL. PRESENT ADDRESS - LUYONG WARD, MOKOKCHUNG,  
NAGALAND, 798601

VERSUS

STATE OF NAGALAND AND ANR  
REPRESENTED BY PUBLIC PROSECUTOR

2:SMTI. TAKOTOLA  
R/O HOUSE NO. 30B1  
SANGTEMLA WARD  
MOKOKCHUNG  
NAGALAND - 79860

**Advocate for the Petitioner** : MEDO VERO,

**Advocate for the Respondent** : GOVT ADV NL,

Linked Case : I.A.(Crl.)/10/2026

SRI. BISHNU SHARMA  
S/O LATE DILU RAM SHARMA  
R/O DAMAK VILLAGE  
JHAPA NEPAL  
PRESENT ADDRESS LUYONG WARD  
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Advocate for : MEDO VERO

Advocate for : appearing for STATE OF NAGALAND AND ANR

**BEFORE**  
**HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

**ORDER**

**10/03/2026**

The instant application under Section 438 read with 442 of the BNSS has been preferred against the impugned judgment and order dated 25.04.2025 passed in Criminal Appeal No. 01/2024 by the learned Principal District & Sessions Judge, Mokokchung. The petitioner has also assailed the judgment and order dated 09.04.2024 passed by the learned CJM, Mokokchung in GR Case No. 105/2021.

2. Heard learned counsel for the petitioner, Mr. Medo Vero.
3. The learned counsel submits that the conviction of the accused in the present case was illegal and not in accordance with law inasmuch as there was no medical report, photographs and no direct documentary evidence. And the case has not been proved

beyond reasonable doubt by the prosecution; he has also submitted that the trial court as well as the appellate court did not examine the procedural lapses which were committed by the prosecution specially in respect of Sections 161 and 164 of the CRPC.

4. Issue Notice, returnable in 4 (four) weeks.

5. The petitioner shall take steps for service on the respondent No. 2 by speed post documents as well as usual process within 3 (three) working days.

6. Learned Public Prosecution, Mr. E. Thiba Phom has accepted notice on behalf of the respondent No. 1 and hence, no formal notice is called for.

7. Call for the records of the GR Case No. 105/2021 from the court of CJM, Mokokchung and also the records of Criminal Appeal No. 01/2024 from the court of Principal District & Sessions Judge, Mokokchung, Nagaland.

List after 4 (four) weeks.

Sd/-

**JUDGE**

**Comparing Assistant**