

GAHC030002882025



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

Case No. : CRL.A(J)/29/2025

Sh. Lalbiakzuala
S/o P. Lalduhawma
R/o Chhingchhip Venghlun

VERSUS

The State of Mizoram and Anr.
Aizawl2:Sh. Ngurthantluanga
R/o IOC Veng
New Serchhi

Advocate for the Petitioner : none

Advocate for the Respondent :

**ORDER
BEFORE**

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HON'BLE MRS. JUSTICE MARLI VANKUNG

26.05.2025

(Michael Zothankhuma, J)

This is a jail appeal challenging the Judgment & Order dated 25.08.2022 passed by the Fast Track Special Court (Rape & POCSO Act), Aizawl in S.C. No. 151 of 2015, the appellant has been convicted under Section 6 of the POCSO

Act and sentenced to undergo Rigorous Imprisonment for a term of ten (10) years with a fine of Rs. 10,000/-, in default, Rigorous Imprisonment for three (3) months.

Admit the appeal.

Call for the LCR in original.

Chapter II Rule 7 of the Gauhati High Court Rules, is reproduced hear below:-

Prior to amendment

"7. A Division Court for the hearing of cases of appeal, reference or revision in respect of the sentence or order of any Criminal Court shall consist of two or more Judges:

All matters where sentence for life/death has been awarded to be heard by the Division Bench including appeals and revisions against acquittal arising out of cases tried under Section 302 IPC.

Provided that a single Judge may hear any appeal, reference, revision and applications in all criminal matters except those in which sentence of death, imprisonment for life is passed:

Provided further that such Judge may refer any particular case he thinks fit to a Division Court:

Provided also that it shall be competent for a single Judge to pass any interlocutory order in any appeal or appeal or any other matter preferable before a Division Bench, unless otherwise ordered by a Division Bench."

After amendment

"[7. (a) Division Bench for the hearing of cases of appeal, reference or revision in respect of the sentence or order of any Criminal Court shall consist of two or more Judges:

(b) All matters where sentence of death penalty/imprisonment for life/or sentence of imprisonment for period more than 10 years has been awarded shall be heard by the Division Bench including appeals and revisions against acquittal arising out of cases tried under Section 302, IPC.

Provided that a single Judge may hear any appeal, reference or revision and applications in all criminal matters except those in which sentence of death penalty/ imprisonment for life/or sentence of imprisonment for period more than 10 years is passed:

Provided further that such Judge may refer any particular case he thinks fit to a Division Court:

Provided also that it shall be competent for a single Judge to pass any interlocutory order in any appeal or appeal or any other matter preferable before a Division Bench, unless otherwise ordered by a Division Bench.]"

In view of the Chapter II Rule 7 of the Gauhati High Court Rules and the fact that the sentence imposed is rigorous imprisonment for 10 years, list the matter before the Single Bench.

JUDGE

JUDGE

Comparing Assistant