

GAHC030004462021



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

Case No. : I.A.(Crl.)/23/2021

Joseph Lalhrietzing
S/o Vansangrem (L)
R/o Hmarkhawlian,
Cachar District, Assam

VERSUS

State of Mizoram and Anr.
Aizawl, Mizoram 2:Joseph Laltanpuia
S/o Lalchuangliana (L)
R/o Chaltlang Venglai
Aizawl

Advocate for the Petitioner : Mr A.R. Malhotra

Advocate for the Respondent :

Linked Case : Crl.A./19/2021

Joseph Lalhrietzing
S/o Vansangrem (L)
R/o Hmarkhawlian
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Aizawl
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2:Joseph Laltanpuia

S/o Lalchuangliana(L)
R/o Chaltlang Venglai
Aizawl

Advocate for the Petitioner : Mr A.R. Malhotra
Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO
ORDER**

Date : 08.12.2021

Heard Mr. A.R. Malhotra, learned counsel for the applicant, who submits that the applicant by filing the instant application under Section 389 Cr.P.C. prays for suspension of the sentence along with the impugned Judgment & Order dated 15.11.2021 passed by the Presiding Officer, Fast Track Special Court (Rape & POCSO Act) in SC No. 61/2017, convicting the applicant under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and sentencing him to undergo Rigorous Imprisonment for a period of 5 (five) years and to pay a fine of Rs. 5,000/- with a default clause.

Issue notice to the respondent No. 1 only returnable by 16.12.2021.

Mrs. Linda L. Fambawl, learned Additional Public Prosecutor appears and accepts notice on behalf of the respondent No. 1. As such, no formal notice will be required. In respect of respondent No. 2, who is the complainant, notice is dispensed with in view of the Judgment & Order dated 27.01.2021, passed by the Division Bench of this Court in Criminal Appeal No. 205/2018 (*Sh. Bormoty Panggeng Vs. State of Arunachal Pradesh & Anr.*).

List the matter again on **16.12.2021**. In the meantime, the State may file objection to the I.A., if so advised.

JUDGE

Comparing Assistant