

GAHC040002152024



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

Case No. : Crl.A./8/2024

Chugat Gangsa @ Pansa
Wife of Shri Pange Pansa, Nginu village, PO and PS Wakka, Longding District,
Arunachal Pradesh

VERSUS

The State of AP and Anr
represented through the PP 2:Ilén T Bowam (Teacher)
Age: 0
Occupation :
Wife of Shri Chapa Bowam
PO and PS Wakka
Longding District
Arunachal Pradesh

Advocate for the Petitioner : Tabit Tapak, Aso Dalbong, Y Pangu, W Wangsu

Advocate for the Respondent : P P of AP, Legal Aid Counsel, Dicky Panging

Linked Case : IA(Crl)/9/2024

Chugat Gangsa @ Pansa
Age: 25
Occupation :
Address: Wife of Shri Pange Pansa
Nginu village
PO and PS Wakka
Longding District
Arunachal Pradesh

VERSUS

The State of AP and Anr

Age: 0

Occupation :

Address:represented through the PP of AP

2:Ilén T Bowam (Teacher)

Age: 0

Occupation :

Address:Wife of Shri Chapa Bowam

PO and PS Wakka

Longding District

Arunachal Pradesh

Advocate for : Tabit Tapak

Advocate for : P P of AP appearing for The State of AP and Anr: Advocate , appearing for 2, respectively.

B E F O R E

HON'BLE MR. JUSTICE KARDAK ETE

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

19.12.2024

(N.U. Krishanan Nair, J.)

The present appeal was listed on 09.12.2024 on a mention made by the learned counsel for the appellant for an out-of-turn listing of the matter.

On 09.12.2024, Mr. D. Panging, the learned counsel for the victim, had submitted that the copy of the appeal memo was not furnished to him. However, considering the categorical submission made by Mr. Tapak, learned counsel for the appellant, that the Trial Court had denied opportunity to the appellant to adduce defence evidence, this Court had directed for the listing of the matter today.

Today, when the matter was taken up for consideration, Mr. Panging, learned counsel for the victim, from the records, has pointed-out that the defence evidence was closed by the Trial Court with the consent of the parties including the consent so given by the counsel representing the appellant, herein.

Given the contention so raised by the learned counsel for the parties, we have perused the trial Court records and, on such perusal, it has come to our notice that the trial Court vide order dated 10.07.2023 after examination of DW Khamge Pansa and as agreed to by both the learned counsels, including the counsel representing the appellant, herein, before the Trial Court, had closed the defence evidence. The said order dated 10.07.2023, closing the defence witness and fixing the date for argument, was complied by the parties, including the appellant, herein, without any objection being raised.

The above being the position, the plea now taken by the appellant/accused in the present appeal that he was not given an opportunity to adduce further defence evidence is clearly perverse to the material available in the trial Court records.

Mr. Tapak, learned counsel for the appellant at this stage, had submitted that the matter be adjourned today, so as to allow him to prepare the case. The said submission made by Mr. Tapak is not appreciated, inasmuch as, the matter was listed today on his request. However, we are refraining from making any further observation in the matter.

Registry is directed to list this matter again on 08.01.2025 for hearing.

It is provided that no further adjournment shall be granted in the matter on the next date of listing.

JUDGE

JUDGE

Comparing Assistant