

GAHC040005502024



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

Case No. : Crl.A./11/2024

Norbu Saidu
Son of Late Yongden Saidu, resident of Khoina Village, PO and PS Nafra, West
Kameng District, Arunachal Pradesh 790001

VERSUS

The State of AP
through the PP of AP

Advocate for the Petitioner : Jyoti Zongluju

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG
HONBLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 01.05.2024.
(Marli Vankung, J)

Heard Mr. Joshi, learned counsel for the appellant along with Mr. T. Ete, learned Addl. Public Prosecutor.

On the disposal of the I.A.(Crl.)/40 of 2024 which is the condonation of a delay of 33 days in filing the instant appeal against the Judgment & Order dated 23.01.2024 passed by the Sessions Judge, District of East Kameng, West

Kameng, Pakke Kesang and Tawang at Bomdila in Session Case No.08/2021.

This is an appeal against the Judgment & Order dated 23.01.2024 passed by the Sessions Judge, District of East Kameng, West Kameng, Pakke Kesang and Tawang at Bomdila in Session Case No.08/2021, wherein the appellant was sentenced to undergo imprisonment for life and a fine of Rs.20,000/- under section 302 IPC and to undergo R.I for a period of 7 years with a fine of Rs.5,000/- under Section 27(1) of the Arms Act along with the default clause.

The learned counsel for the appellant submits that there are sufficient grounds for setting aside the instant Judgment & Order 23.01.2024 since the evidence was not rightly appreciated by the learned Sessions Judge and further at the time of sentencing the appellant was not heard or represented.

We have heard and considered the submission made by the appellant.

The appeal is admitted.

The learned Addl. Public Prosecutor submits that the informant who is the brother of the deceased be arrayed as respondent No.2. No objection is raised by the learned counsel for the appellant.

In view of the above, the informant is to be arrayed as respondent No.2.

Notice is to be issued to the informant as respondent No.2 through the O/C, Bomdila Police Station and steps are to be taken by the learned Addl. Public Prosecutor.

The appellant is to serve a copy of the notice to the learned Addl. Public Prosecutor who in turn will serve the copy to the O/C Bomdila for service of notice to the respondent No.2. Thereafter, the concerned O/C is to report to the Addl. Public Prosecutor of service of notice.

List the matter **after 3 (three) weeks.**

Meanwhile, LCR is to be called for.

JUDGE

JUDGE

Comparing Assistant