

GAHC040010902024



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

Case No. : CRL.A(J)/5/2024

Smti Sunita @ Bunita Basumatary
Wife of Late Jotin Basumatary, resident of Komolpur, Village, PO Ramdhan Dekari,
PS Simen Chapori, District Dhemaji, Assam and presently lodging at District jail
Tezu, Lohit District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Legal Aid Counsel

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 29.08.2024

Heard Ms. L. Hage, learned Additional Public Prosecutor for the State of Arunachal Pradesh, representing the sole respondent.

This jail appeal has been registered on the basis of a memo of appeal filed by the appellant *Smti Sunita @ Bunita Basumatary* through the Deputy Superintendent of District Jail, Tezu, where the appellant is presently detained,

impugning the judgment dated 17.10.2023 passed by the Court of learned Sessions Judge, Pasighat in PSG Sessions Case No. 28/2022, whereby, the appellant was convicted under Section 304 Part-I of the Indian Penal Code (IPC), though it appears that the Trial Court has erroneously mentioned in the judgment convicting the appellant under Section Part-I of Section 302 of the IPC, as well as under Sections 201/34 of the IPC. The appellant has been sentenced to undergo an imprisonment for 7 (seven) years and also to pay a fine of Rs. 10,000/- (ten thousand) and in default of payment of fine, to undergo further imprisonment for 6 (six) months.

As this is a jail appeal and no one has appeared for the appellant, this Court deems it fit to direct the Registry to appoint a Legal Aid Counsel from the panel of Legal Aid Counsel prepared by it.

Let the case record of PSG Sessions Case No. 28/2022 be requisitioned from the concerned Trial Court.

Let a copy of the memo of appeal along with the copy of judgment be furnished to the learned Additional Public Prosecutor as well as learned Legal Aid Counsel, to be appointed by the Registry.

List this case be listed again after appointment of the Legal Aid Counsel, after a period of 4 (four) weeks.

JUDGE

Comparing Assistant