

GAHC040012722022



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

Case No. : CrI.A. 36/2022

1: Takam Rupok
S/o Jenga Rupok,
a resident of KK Villa, Sector E Itanagar, PO and PS Itanagar, District Papum Pare,
Arunachal Pradesh.
918257804629

VERSUS

1: THE STATE OF AP and Anr.
Through Public Prosecutor.

2: Tonya Rupok
D/o Tumto Rupok

Resident of Borarupok Village
PO and PS Dumporijo
District Upper Subansiri
Arunachal Pradesh. (Victim)

Advocate for the Petitioner : Muk Pertin, Senior Advocate

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 26-10-2022

Heard Mr. M. Pertin, learned Senior counsel assisted by Ms. T. Y.

Bhutia, learned counsel for the appellant.

This is an appeal under Section 374 Cr.P.C. against the judgment and order passed by the learned Special Judge (POCSO)-cum-Additional Sessions Judge, West Sessions Division, Basar, District-Leparada, Arunachal Pradesh, whereby, the appellant has been convicted under Section 376(1) IPC to undergo R.I. for a period of 7 (seven) years with a fine of Rs.3,000/-, in default of the payment of fine to undergo further R.I. for 3 (three) months and 2 (two) years of imprisonment for the offences committed under Section 506 (Part-II) and the sentences are to run concurrently.

It is submitted by Mr. J. Tsering, learned PP that an appeal does not lie against an order of conviction wherein the imprisonment is below 7 (seven) years or extend upto 7 (seven) years considering an embargo under Section 374 Sub-section (2) of the Cr.P.C. Accordingly, the appellant/petitioner is hereby directed to make necessary amendments in the cause title by quoting appropriate provisions of law.

Issue notice to the private respondent No.2/ victim.

The connected I.A. will be heard on the returnable date after the notice is being served upon private respondent No. 2/ victim.

In the meanwhile, call for the scanned copy of the LCRs from the Court of learned Special Judge (POCSO)-cum-Additional Sessions Judge, West Sessions Division, Basar, District-Leparada, Arunachal Pradesh.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant