

GAHC040013692024



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

Case No. : CrI.A./28/2024

Likha Nega
Son of Late Likha Tara, resident of Taib village, PO and PS Yazali, Lower Subansiri
District, Arunachal Pradesh.

VERSUS

The State of AP and Anr
represented by the PP of AP 2:Miss X
Age: 0
Occupation :
Daughter of Shri Likha Nyoju
resident of Taib Village
Po and PS Yazali
Lower Subansiri District
Arunachal Pradesh

Advocate for the Petitioner : D Mazumdar, Sr. Advocate, Nabam Taro,N Kakki,D Mazumdar,S
Biswas

Advocate for the Respondent : P P of AP,

Linked Case : IA(CrI)/83/2024

Likha Nega
Age: 28
Occupation :
Address:Son of Late Likha Tara
resident of Taib village
PO and PS Yazali
Lower Subansiri District
Arunachal Pradesh.

VERSUS

The State of AP and Anr

Age: 0

Occupation :

Address:represented by the PP of AP

2:Miss X

Age: 0

Occupation :

Address:Daughter of Shri Likha Nyoju

resident of Taib Village

Yazali

PO and PS Yazali

Lower Subansiri District

Arunachal Pradesh.

Advocate for : N Kakki

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

BEFORE

**HONOURABLE MRS. JUSTICE MARLI VANKUNG
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 21.10.2024

(Marli Vankung, J)

Heard Mr. S. Biswas, learned counsel for the appellant.

This is an appeal filed under Section 415(2) of the BNSS, 2023 against the Judgment & Order dated 14.08.2024 passed by the learned Special Judge, POCSO, Ziro in POCSO Case No. 09/2021 (Z) in Ziro WPS Case No. 05/2021 convicting the appellant under Section 376AB/376(2)(n) of the IPC r/w Section 6 of the POCSO Act, 2012, wherein the appellant on his conviction was sentenced to undergo Rigorous Imprisonment for 20 years and pay a fine of Rs. 10,000/- and in default S.I of 6 (six) months.

The learned counsel for the appellant submits that there are sufficient grounds for setting aside the impugned judgment and order, since the learned

Trial Court had not considered the evidence of the prosecution in its proper perspective and failed to take into account the evidence adduced in defence.

Appeal is admitted.

LCR is to be called for.

Issue notice to the respondents.

Mr. G. Tado, learned Additional Public Prosecutor accepts notice on behalf of the State respondents.

Notice be issued to the respondent No. 2 as per the Gauhati High Court Notification No. 17 dated 15.03.2024.

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

JUDGE

JUDGE

Comparing Assistant