

GAHC040014352024



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

Case No. : CrI.A./30/2024

Smti Moni Kumari
Wife of Shri Abhijit @ Abhijeet Kumar Gupta, a permanent resident of Araria R.S.
Ward No. 3, Po and PS Araria, Araria District, Bihar

VERSUS

The State of Arunachal Pradesh
represented by the PP of AP

Advocate for the Petitioner : Gallen Taloh,

Advocate for the Respondent : P P of AP,

:::BEFORE:::

HON'BLE MR. JUSTICE KALYAN RAI SURANA

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

29.01.2025

(K. R. Surana, J)

Heard Mr. G. Taloh, learned counsel for the appellant and Mr. G. Tado, learned Addl. PP for the State.

It is noted that the accused/convict in Sessions Case No. 12/2023 which was decided by the learned Sessions Judge, Bomdila Division by judgment and

sentence dated 13.11.2023 is one Shri Abhijit Kumar Gupta has been taken into custody and serving out the sentence and the present appeal under Section 415 of the BNSS is filed by one Smti. Moni Kumari who is stated to be the wife of the accused/convict.

We find the same to be irregular and not in accordance as per the scheme of BNSS, which allows an appeal to be filed by the accused/convict. However, if a third party desires to file an appeal, the same can be filed only after taking leave of the Court.

In view of the submissions made by the learned counsel for the appellant that the appellant is the wife of the accused/convict and has preferred this appeal for her husband, the Court is inclined to direct the learned counsel for the appellant to submit the freshly typed out page Nos. 2 & 3 of the Memo of Appeal containing the name of the accused/convict as the appellant, who may be represented by his wife. On receipt of the said freshly typed out page Nos. 2 & 3 within 3 (three) working days, the Registry shall incorporate on record the said page as Page Nos. 2 & 3 and the present Page Nos. 2 & 3 shall be strike out by a red ink pen, but, the same shall be retained on record as Page Nos. 2 (A) and 3 (A).

Let the matter be listed after the correction is being done in the admission column.

JUDGE

JUDGE

Comparing Assistant