

GAHC010158462024



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

Case No. : Crl. A./139/2024

MD. MOJIBUR ALI @ MOJIBUR RAHMAN @ JODU @ BUDU
S/O- MD. ABDUL HAMID
R/O- VILL- NO.2 KORIGAON
P.S- SARUPATHAR
DIST- GOLAGHAT
ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP
ASSAM.

2:MAMTA BEGUM
W/O- MUSLIM ALI
A RESIDENT OF VILL NO-2 KORIGAON
P.S- SARUPATHAR
P.O- SARUPATHAR
NAOJAN
DIST- GOLAGHAT
ASSAM PIN-785601.

Advocate for : MR. A AHMED
Advocate for : PP, ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.08.2024
[Manish Choudhury, J.]

Heard Mr. A. Ahmed, learned counsel for the appellant and Ms. A. Begum, learned

Additional Public Prosecutor for the respondent no. 1, State of Assam.

Notice to the respondent no. 2-informant was earlier taken through registered post with A/D as well as by usual process.

As the offence involved is under Section 4 of the Protection of Children from Sexual Offences [POCSO] Act, 2012, steps for service of notice upon the respondent no. 2/informant/victim/guardian of the victim are required to be taken in terms of the Practice Direction laid down in the Notification no. 17 dated 15.03.2024 and the Order dated 23.06.2023 passed in CrI. A.[J] no. 40/2022 [Dipak Nayak vs. The State of Assam]. It is observed accordingly.

The learned counsel for the appellant shall furnish copies of the memo of appeal and the accompanying interlocutory application, I.A.[CrI.] no. 766/2024 to the office of the Public Prosecutor within 3 [three] working days from today for the purpose of serving it upon the informant/victim/guardian of the victim through the Officer In-Charge, Sarupathar Police Station. The learned Additional Public Prosecutor is to obtain and place a report of service of notice upon the respondent no. 2-informant from the Officer In-Charge, Sarupathar Police Station on or before the returnable date.

List the case after 3 [three] weeks.

JUDGE

JUDGE

Comparing Assistant