

GAHC040009282023



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

Case No. : IA(Crl)/41/2023

Pitam Lamnio
S/o Shri Dapung Lamnio,
Permanent Resident of Village Lamnio, PO Khenewa, PS Seppa, East Kameng
District, Arunachal Pradesh.

VERSUS

THE STATE OF AP
Through Public Prosecutor.

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : P P of AP

Linked Case : BA/55/2023

Pitam Lamnio
Age: 27
Occupation :
Address:S/o Shri Dapung Lamnio

Permanent Resident of Lamnio Village
PO Khenewa/PS Seppa
District East Kameng
Arunachal Pradesh.

VERSUS

THE STATE OF AP and Anr.

Age: 0

Occupation :

Address:Represented through the Public Prosecutor.

2:X (Victim)

Age: 0

Occupation :

Address:C/o Shri Sangam Rimo

at New Seppa

PO/PS Seppa

East Kameng Distt. AP

Advocate for : Sunil Mow

Advocate for : P P of AP appearing for THE STATE OF AP and Anr.: Advocate ,
appearing for 2, respectively.

Linked Case : Crl.Rev.P./15/2023

Pitam Lamnio

Age: 27

Occupation :

Address:S/o Shri Dapung Lamnio and Brother of Sri Thomas Lamnio.

Permanent Resident of Village Lamnio

PO Khenewa

PS Seppa

East Kameng District

Arunachal Pradesh

on behalf of the accused Shri Thomas Lamnio

VERSUS

THE STATE OF AP

Age: 0

Occupation :

Address:through Public Prosecutor.

Advocate for : Sunil Mow

Advocate for : P P of AP appearing for THE STATE OF AP: Advocate appearing for
respectively.

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 14.07.2023

Heard Mr. T. Lamnio, learned counsel for the petitioner. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This interlocutory application has been filed for setting aside the order dated 10.07.2023, passed by the learned Special Judge, POCSO, for the Districts of West Kameng, East Kameng & Tawang in POCSO Case No. 11/2022, whereby, 17.07.2023 has been fixed for hearing on age determination of the victim and final argument as last chance.

3. The applicant contends that the learned Special Judge, POCSO could not have passed the order dated 10.07.2023, in POCSO Case No. 11/2022, fixing 17.07.2023 for hearing on age determination of victim and final argument as last chance, as further proceeding of the POCSO Case No. 11/2022 has been stayed by this Court by an order dated 27.06.2023, passed in Crl. Rev. P. 15/2023.

4. Ms. Jini, learned Additional Public Prosecutor has produced before this Court an order dated 13.07.2023, passed by the learned Special Judge, POCSO, for the Districts of West Kameng, East Kameng & Tawang in POCSO Case No. 11/2022, by which order, the learned Special Judge, POCSO has suspended the further proceeding of POCSO Case No. 11/2022, in view of the order passed by this Court on 27.06.2023.

5. In view of the order dated 13.07.2023, passed by the learned Special Judge, POCSO for the Districts of West Kameng, East Kameng & Tawang in

POCSO Case No. 11/2022, no order is required to be passed for suspending or setting aside of the order dated 10.07.2023, passed by the learned Special Judge, POCSO, for the Districts of West Kameng, East Kameng & Tawang in POCSO Case No. 11/2022.

6. Accordingly, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant