

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl. A. No. 9 of 2019

Shri Langpoklakpam Kiranjit Singh, aged about 24 years, (now aged about 28 years) S/o L. Kumar Singh, a resident of Kadangband Part-I, P.O. & P.S. Lamshang, Imphal West District, Manipur.

...Appellant

-Versus-

The State of Manipur

.... Respondent

BEFORE
HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL

For the Appellant	::	Mr. M. Gunedhor, Adv.
For the Respondent	::	Mr. RK Umakanta, PP
Date of Hearing and Judgment & Order	::	29.08.2024

JUDGMENT AND ORDER
(ORAL)

1. The present appeal has been instituted on behalf of Langpoklakpam Kiranjit Singh assailing the impugned judgment and order dated 27th of June, 2018 passed by the Special Judge (POCSO): Imphal West in Special Trial Case No. 7 of 2015/1 of 2015 Ref:- FIR NO. 31(10) 2014 WPS-IW U/S 4 POCSO ACT, 2012 whereby he was convicted under Section 10 of the Protection of

Children from Sexual Offences (POCSO) Act, 2012 and sentenced vide order of sentence dated 7th of July, 2018 to undergo 7 (seven) years R.I. and fine of Rs. 20,000/- (Rupees Twenty Thousand) only and in default of payment of fine further undergo 4 (four) months simple imprisonment.

2. A perusal of the nominal roll qua the appellant would reveal that he had already undergone incarceration for a period of 6 years 7 months and 3 days as on the 12th of May, 2021, when he was enlarged on regular bail by this Court.

3. Mr. M. Gunedhor, learned counsel appearing on behalf of the appellant states that he has instructions not to assail the conviction; but only to seek reduction of the punishment awarded to him to the period of sentence already undergone.

4. In this regard, Mr. Gunedhor invites the Court's attention to the circumstance that the appellant was a young man employed as labourer at the time of the commission of the offence and that he is currently gainfully employed as a salesman in a pharmacy; which is indicative of the circumstance that his rehabilitation in the society is complete.

Mr. Gunedhor would further invite the Court's attention to the fact that the appellant has an aged and ailing father, whose treatment and care is his sole and pious responsibility.

5. A perusal of the record would reflect that the appellant's conduct during his incarceration was satisfactory and consequently, he was enlarged on regular bail by this Court. Even otherwise it is observed that out of the total sentence of 7 years R.I. the appellant has already served 6 years 7 months and 3 days in custody.

6. In view of the foregoing whilst upholding the impugned judgment and order dated 26th of June, 2018, convicting the appellant; the order of sentence is modified to the extent that, he shall be considered to have undergone his sentence, having remained incarcerated for a period of 6 years and 7 months, however, subject to his depositing Rs. 10,000/- (Rupees Ten Thousand) only as fine with this Court within 1(one) month from today; to be given to the victim as compensation.

7. The appeal is disposed of in the above terms.

8. The Member Secretary, Manipur State Legal Services Authority is directed to report compliance with the order of sentence dated 7th of July, 2018 in so far it relates to disbursing compensation in the sum of Rs. 50,000/- (Rupees Fifty Thousand) only to the victim from the Scheme known as "FINANCIAL ASSISTANCE AND SUPPORT SERVICE TO VICTIM OF RAPE: A SCHEME FOR

RESTROPACTIVE JUSTICE” launched by the Ministry of Women and Child Development, Govt. of India.

9. List it after 6 (six) weeks to report compliance.

10. The Registry shall further report whether the appellant has deposited the fine, as directed hereinabove, on the next date of hearing as well.

11. Copy of this order be provided to learned counsel appearing for the parties as well as the Superintendent of Manipur Central Jail, Sajiwa for information and compliance.

CHIEF JUSTICE

FR/NFR

Sushil