

GAHC040000662024



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

Case No. : Crl.Rev.P./2/2024

Chugat Gangsa @ Pansa
Wife of Shri Pange Pansa, Village Nginu, PO Wakka, Longding District, AP

VERSUS

The State of AP and Anr
represented by the PP of AP 2:Ilén T Bowam (Teacher)
Age: 0
Occupation

Advocate for the Petitioner : Tabit Tapak

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE S.K.MEDHI
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

23.01.2024

SK Medhi, J.

Heard Shri T Tapak, learned counsel for the petitioner. Also heard Ms. T Jini, learned Addl. PP, AP.

The instant petition has been filed for invoking the provision of Sections 397

and 401 of the Cr.PC against the judgment dated 08.08.2023 passed by the learned Special Judge (POCSO) in Khonsa/SC (POCSO) Case No. 05/2020 under Sections 376/366 IPC read with Section 4 of the POCSO Act, corresponding to Longding PS Case No. 12/2019.

Ms. Jini, learned Addl. PP, AP has, however, pointed out that there is a statutory bar under Section 401 (4) of the Cr.PC against the judgment where there is a provision for appeal. By referring to the Gauhati High Court Rules, she further submits that since the sentence is more than 10 years, appeal would lie before a Division Bench.

We are of the opinion that apart from the statutory bar, the avenue for projecting a challenge in an appeal would be much wider which would be in the interest of justice.

At this stage, Shri Tapak, learned counsel for the petitioner submits that he would like to withdraw this petition, however, with liberty to prefer an appeal in accordance with law.

The writ petition is dismissed on withdrawal with liberty, as prayed for.

Judge

Judge

Comparing Assistant