

GAHC030000422018



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

Case No. : CrI.A./36/2018

State of Mizoram
Aizawl

VERSUS

Lalrammuana and Anr.
Sangau

Advocate for the Petitioner : P.P./Addl.PP, Mizoram

Advocate for the Respondent : Mr. Joseph Lalchhanhima Renthlei (Amicus Curiae)

Linked Case : I.A.(CrI.)/14/2018

State of Mizoram through U/S Home Department
Govt. of Mizoram
Aizawl
Mizoram

VERSUS

Lalrammuana and Anr.
Sangau
Mizoram

2:K Chhumzingi
Sangau-I
Mizoram

Advocate for the Petitioner : Mr C Zoramchhana
Advocate for the Respondent :

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER**

Date : 16.02.2024

None appeared for the parties.

This Court in its Order dated 08.12.2023 had noted that this being a State appeal, it appeared that the State is no longer interested in pursuing the instant appeal. This matter has been left over/adjourned for 14 times and the State appellant have not pressed the matter but were instead absent on several Court dates.

On perusal of the orders passed by this Court, it is seen that the State had preferred an appeal against the Judgment & Order dated 27.08.2018 passed by the learned District & Sessions Judge, Lunglei in Criminal Trial No. 220/2017 under Sections 323/354/376/380 IPC arising out of Sangau P.S. Case No. 4/2012, wherein the respondent No. 1 has been acquitted of the charge under Section 376 and was first laid before this bench for order on 28.06.2019.

The main ground of appeal is that the learned Trial Court allegedly did not consider the evidence of the prosecutrix, while passing the impugned judgment and order of acquittal.

It is also seen from the office note and the previous orders of this Court that the prosecutrix arrayed as respondent No. 2 can no longer be found since there was no return of A/D card. Mr. Joseph L. Renthlei was appointed to represent the respondent No. 1 as Amicus Curiae. Thus, in view of the fact that when the prosecutrix herself has not taken any steps to file the appeal and

considering the fact that the Public Prosecutor or Additional Public Prosecutor for the State respondents have failed to appear before the Court several times, this Court is of the considered view that the State is no longer interested in pursuing the instant appeal.

Accordingly, Criminal Appeal No. 36/2018 stands dismissed on default and disposed of.

JUDGE

Comparing Assistant