

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

Crl.A. No. 10 of 2017

H. Sanjoy Singh.

...Appellant

- Versus -

State of Manipur.

...Respondent

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

02-09-2025

[1] Heard Ms. Deepashree L., learned counsel for the appellant and Mr. Athouba Khaidem, learned PP assisted by Mr. Phungyo Zingkhai, learned Dy. Government Advocate for the State respondent.

[2] By the present appeal, the appellant challenged the impugned judgment and order of conviction dated 27-06-2017 and the order of sentence dated 04-07-2017 passed by the learned Special Judge (POCSO), Thoubal in Special Trail (POCSO) Case No. 15 of 2014. By the impugned order, the appellant was convicted to undergo simple imprisonment for a period of 5 years under Section 366A of IPC and simple imprisonment for a period of 8 years under Section 4 of POCSO Act and it was directed that these two sentences were to run concurrently. By the order dated 04-07-2017, it was directed to set off a period of 190 days already undergone as UTP during the trial.

[3] The brief fact of the present case is that the appellant is an accused in FIR No. 36(3)2013 KCG P.S. under Section 366A of IPC and

Section 4 of POCSO Act for the incident happened on 09-03-2013 and the Trial Court after examining all the evidence and material on record, convicted the appellant under Section 366A of IPC and Section 4 of POCSO Act and passed the sentences as aforesaid. The appellant preferred this appeal mainly on the ground that the Trial Court had failed to appreciate and consider the material on record and there was defect in framing questions under Section 313 of CrPC. The appellant was earlier released on bail during COVID period and he was released by this Court vide order dated 27-02-2025 for undergoing treatment as his health condition deteriorated while in custody and was released from custody on 12-03-2025 during the pendency of the present appeal. Since then, he is on interim bail for taking treatment.

[4] When the matter is taken up today, during the course of hearing, Ms. Deepashree L., learned counsel for the appellant, submits that the maximum imprisonment given to the petitioner is 8 years under Section 4 of POCSO Act and as on date, the petitioner taking into remission and the set off has undergone a total period of 6 years 10 months and 25 days. As on the date of offence, the minimum punishment prescribed under Section 4 of POCSO Act is 7 years and in the present case, the appellant was directed to undergo 8 years of imprisonment. Since the appellant has undergone substantive portion of the sentence awarded, in the present case, it will suffice if the 8 years of imprisonment under Section 4 of POCSO Act is reduced to the period of 7 years, the minimum period prescribed by the statute during the relevant time.

[5] Mr. Athouba Khaidem, learned PP for the State respondent, fairly submits that this Court may consider the alter submission made by the

learned counsel for the appellant provided this Court is not interfering the order of conviction undergone.

[6] Considering the nature of the case, specially that the appellant has already undergone a period of more than 6 years 10 months, this Court is of the view that it will do justice if the period of conviction under Section 4 of the POCSO Act is reduced to a period of 7 years. However, the order of conviction under Section 366A of IPC and Section 4 of POCSO Act is upheld. Accordingly, it is directed that the appellant has to undergo the remaining period, i.e. 1 month and 5 days in custody and the appellant is directed to surrender before the Superintendent, Manipur Central Sajiwa on or before 08-09-2025 to undergo the remaining period of 1 month and 5 days.

[7] With this observation, the criminal appeal is partly allowed.

[8] Pending application, if any, is also disposed of in terms of the aforesaid order.

JUDGE

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