

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A
Crl. A(J) No. 21 of 2024

Sri Sajal Barman

.....Appellant

-V E R S U S-

The State of Tripura

..... Respondent.

B_E_F_O_R_E
HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT

For Appellant(s)	:	Mr. N. Majumder, Advocate.
For Respondent(s)	:	Mr. R. Datta, P.P.
Date of hearing and delivery of judgment and order	:	17.06.2025
Whether fit for reporting	:	NO

JUDGMENT & ORDER[ORAL]

[T. Amarnath Goud, J]

Heard Mr. N. Majumder, learned counsel appearing for the appellant also heard Mr. R. Datta, learned P.P. appearing for the respondent-State.

[2] This present appeal has been filed under Section-374(2) of the code of Criminal Procedure, 1973 against the impugned judgment of conviction and sentence dated 11.10.2023 passed by the learned Special Judge (POCSO), Sessions Judge, West Tripura District, Agartala, in connection with case No. Special (POCSO) 34 of 2020, whereby and whereunder, the learned Special Judge convicted the appellant on 11.10.2023 for offences punishable under Sections-366/376(DB)/506 of Indian Penal Code and under Section-6 of the POCSO Act and on the same day i.e. on 11.10.2023 sentenced the appellant to suffer imprisonment for life and imposed fine of Rs.30,000/- and in default, shall suffer simple imprisonment for further period of 6 months for the offence punishable under Section-376(DB) of the IPC and rigorous imprisonment for three

years and fine of Rs.2,000/- and further, in default, the appellant shall suffer SI for further one month for the offence punishable under Section-366 of the IPC and SI for six months for offence punishable under Section-506 of the IPC. All the sentences of imprisonment for life shall run concurrently.

[3] The facts in brief are that the appellant faced the trial for allegedly committing offences punishable under Section-366/376(DB)/506 of IPC and under Section-6 of the POCSO Act and after conclusion of the trial there of, the learned Court below has convicted the appellant on 11.10.2023 and sentenced him to suffer for life. Challenging the aforesaid impugned judgment of conviction and sentence, the appellant has preferred the present appeal. The appellant also filed an interlocutory application against the order of conviction for placing additional evidence on record regarding the juvenility of the convict on the date of occurrence. On the date of occurrence the appellant was minor. But the full trial was held before the learned Court below.

[4] Having heard the learned counsel appearing for the parties and gone through the material evidence on record, the learned Court below has observed as under:

“12. Accordingly, both the accused persons namely Krishna Saha and Sajal Barman stand convicted for the offences punishable under Section-366/376(DB)/506 of the IPC and Section-6 of the POCSO Act.

As the sections prescribe imprisonment up-to life, the benefit of the Probation of Offenders Act cannot be extended to the convicts.

Convicts are taken into custody.”

[5] In view of above and having heard the learned counsel appearing for the parties and the information regarding the claim of juvenility of convict the appellant placed at the time of hearing wherein, it has been stated that he was juvenile at the time of occurrence of offence. On the basis of his statement the school certificate of the above convict appellant was collected which was also verified by the issuing authority. As such, the appeal stands disposed of by setting aside the judgment and order of conviction and sentenced passed by the learned Court below to the limited purpose by way of remanding back the matter for examination about

the status of the accused person whether the appellant is juvenile or not. The learned Court below shall deal with the matter in accordance with law. However, it is made clear that with regard to the evidence already recorded and the exhibits marked can be relied by the concerned Court/authority/forum while deciding the case. It is further made clear that the parties are also at liberty to place any other relevant evidence/documents in support of the case and the same may be considered, in accordance with law.

[6] In the result, the appeal stands disposed by setting aside the judgment and order of conviction and sentence for the limited purpose. However, it does not mean that the convict appellant is acquitted from the charge leveled against him. The learned Court below shall adjudicate the matter as per law with regard to the juvenility of the accused appellant and thereafter, to decide the forum which would conduct the trial of the matter and pass necessary order for fresh detention of the appellant to the appropriate place and also to deliver a fresh judgment accordingly. It is made clear that the criminal case to be decided by the competent Court/authority/forum in accordance with law.

[7] As a sequel, miscellaneous applications pending, if any, shall stand closed. Send down the LCRs forthwith.

B. PALIT, J

T. AMARNATH GOUD, J

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