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

Case No. : I.A.(Crl.)/636/2026

SRI RISHIKESH BORUAH ALIAS RISHIKESH BARUAH ALIAS RISHI BORUAH
SON OF LATE AJIT BARUAH
RESIDENT OF VILLAGE MERBIL CHANGMAI GAON
P.S. SIVASAGAR
PIN - 785693 DISTRICT - SIVASAGAR
ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PROSECUTOR
ASSAM.

2:SMTI JUNALI DUTTA
WIFE OF SRI PRANJAL DUTTA RESIDENT OF VILLAGE BARHOITING
P.S. SIVASAGAR
DISTRICT - SIVASAGAR
ASSAM. PIN - 785697

Advocate for : M K BORAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

Linked Case : Crl.A./223/2026

SRI RISHIKESH BORUAH ALIAS RISHIKESH BARUAH ALIAS RISHI BORUAH
SON OF LATE AJIT BARUAH, RESIDENT OF VILLAGE MERBIL CHANGMAI GAON, P.S.- SIVASAGAR, DISTRICT - SIVASAGAR, ASSAM. PIN-785693

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:SMTI JUNALI DUTTA
WIFE OF SRI PRANJAL DUTTA RESIDENT OF VILLAGE BARHOITING
P.S. SIVASAGAR
DISTRICT - SIVASAGAR
ASSAM. PIN - 78569

Advocate for the Petitioner : M K BORAH, MRS. P KASHYAP

Advocate for the Respondent : PP, ASSAM, DR. P AGARWAL (R2)

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 06.11.2026
(M. Zothankhuma, J)

Heard Mr. M.K. Borah, learned counsel appearing for the applicant-appellant. Also heard Ms. B. Bhuyan, learned Addl. P.P for the State and Ms. Z. Mazumdar appearing on behalf of Dr. P. Agarwal, learned counsel for the respondent No.2.

This is an application under Section 430 BNSS for suspending the sentence being undergone by the applicant, due to his conviction under Section 6 of the POCSO Act, vide the impugned Judgment dated 24.04.2024 passed by the learned Addl. Sessions Judge-cum-Special Judge (POCSO), Sivasagar in Special (POCSO) Case No. 36/2024, arising out of Sivasagar PS Case No. 94/2024.

The applicant's counsel has taken us through the deposition of the victim before the learned Trial Court, where it appears that the victim had willingly gone into the house of the appellant and the appellant had sexual intercourse with the victim. The birth certificate issued under the Registration of Births and Deaths Act, 1969 on 13.11.2020 shows that the date of birth of the victim was 22.08.2011. It is also the case of the informant, who is the father of the victim, that the victim's age was 13 years as on the date of the incident.

Upon considering the above, we are not inclined to allow the present application for suspension of sentence. Accordingly, the application stands rejected.

JUDGE **JUDGE**

Comparing Assistant