GAHC010271172025

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

Case No. : I.A.(Crl.)/1394/2025

SRI RABINDRA PHUKAN
S/O
LATE ROHIT PHUKAN

R/O
VILLAGE- PHULOGURI PUB SALMORA UNDER ROHA POLICE STATION IN THE DISTRICT OF NAGOAN
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P.
ASSAM

2:SRI ABHINASH SARKAR
SON OF PALLAB SARKAR
RESIDENT OF HOUSE NO. 19
PRINCIPAL J.B. ROAD UNDER CHANDMARI POLICE STATION IN THE DISTRICT OF KAMRUP

Advocate for : UJJAL CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case :CRL.A(J)/207/2025

SRI RABINDRA PHUKAN
S/O, LATE ROHIT PHUKAN ,
R/O, VILLAGE- PHULOGURI PUB SALMORA UNDER ROHA POLICE STATION IN THE DISTRICT OF NAGOAN, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP AASSAM

2:SRI ABHINASH SARKAR
S/O
PALLAB SARKAR

R/O
HOUSE NO. 19
PRINCIPAL J.B. ROAD UNDER CHANDMARI POLICE STATION IN THE DISTRICT OF KAMRU

Advocate for the Petitioner : UJJAL CHOUDHURY, MR. U CHOUDHURY, LEGAL AID COUNSEL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 23.04.2026
(M. Zothankhuma, J)

Heard Mr. U. Choudhury, learned Legal Aid Counsel for the applicant/appellant. Also heard Mr. R.R. Kaushik, learned Addl. PP for the State.

2. This is an application under Section 430(2) BNSS for suspending the sentence imposed upon the applicant/appellant on his conviction under Section 4 of the POCSO Act, 2012 read with Section 377 IPC vide Judgment dated 31.03.2022, passed by the Court of the learned Special Judge (POCSO), Kamrup(M), Guwahati in Sessions Case No.256/2018, arising out of Chandmari P.S. Case No.329/2018.

3. Upon hearing the counsels for the parties at some length, we are of the view that the application cannot be allowed at this stage on account of the evidence of the

victim and the Medical Officer (PW-4).

4. The application is accordingly rejected.

JUDGE **JUDGE**

Comparing Assistant