GAHC030007942025

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

Case No. : I.A.(Crl.)/52/2025

The State of Mizoram
Aizawl

VERSUS

Sh. Lalremmawia
S/o Lalnunmawia (L), Tlangnuam West, Aizawl

Advocate for the Petitioner : Mrs. Mary Lalruatkimi Khiangte

Advocate for the Respondent : Mr. Lalrokunga Pautu, Legal Aid Counsel

Linked Case : Crl.A./24/2025

The State of Mizoram
Aizawl

VERSUS

Sh. Lalremmawia
S/o Lalnunmawia (L)
Tlangnuam West
Aizawl

Advocate for the Petitioner : Mrs. Mary Lalruatkimi Khiangte
Advocate for the Respondent : Mr. Lalrokunga Pautu
Legal Aid Counsel

BEFORE
HONOURABLE MRS. JUSTICE HELEN DAWNGLIANI

ORDER

12.10.2026

Mrs. Vanneihsiami, learned Addl. Public Prosecutor submitted that substitute notice by way of newspaper publication was complied and have been submitted on 07.10.2026. Mr. Lalrokunga Pautu, learned Legal Aid Counsel for the sole respondent is also present.

The instant application has been filed under Section 419(3) BNSS, 2023 for leave of the Court to file an appeal against the acquittal order, which was passed by the learned Fast Track Special Court (Rape & POCSO), Aizawl vide its judgment & order dated 09.02.2025 in Sessions Case No. 90/2023 arising out of Criminal Trial No. 1784/2023.

Ms. Vanneihsiami, learned Addl. Public Prosecutor submitted that the impugned judgment & order suffers from serious infirmities by ignoring material facts on record and since the offence is against the State and the offence under POCSO Act being a special law has been specifically enacted for protection of children, it is necessary that leave be granted to the State to file an appeal against

the order of acquittal in order to meet the ends of justice.

The learned counsel for the respondent fairly submitted that would not raise serious objection to the application.

I have considered the grounds stated in the application. At this stage, the Court is concerned with whether the State has demonstrated sufficient grounds warranting consideration of the proposed appeal. The question whether acquittal is ultimately liable to be set aside is a matter to be determined upon examination of appeal on merits. The present proceedings do not call for final determination of the guilt or innocence of the respondent.

It is a settled principle of criminal jurisprudence that an order of acquittal reinforces the presumption of innocence in favor of the accused. An appellate court must therefore exercise caution while considering a challenge to an acquittal. At the same time, where the proposed grounds disclose prima facie basis for examining whether material evidence has been overlooked, misread or assessed in a manner that warrants appellate scrutiny, the State may be permitted to pursue its statutory remedy.

In the present case, the grounds urged by the State requires consideration in an appeal. The submissions raised questions concerning the appreciation of material evidence and the reasons assigned by the learned Trial Court in acquitting

the accused. Thus, the grounds are found to be sufficient. Therefore, upon perusal of the grounds put forth in the application, this Court is satisfied that there are prima facie material to grant leave to State applicant to file an appeal by challenging the order of acquittal passed by the learned Trial Court, wherein, the accused was acquitted of the offence punishable under Section 10 of the POCSO Act read with Section 354(A) IPC.

With the above, the application stands disposed of as allowed.

JUDGE

Comparing Assistant