Present: Utpal Prasad, AJS Sessions Judge Karimgani at Karimgani

12.12.2018

## ORDER

The accused Sadiqur Rahman is present with his learned counsel. Learned public prosecutor is also present.

Judgment has been pronounced in the open court today by reading the operating part thereof in presence of the accused and his learned counsel. By way of the judgment the accused has been acquitted of the charges under sections 144/148/149/458/364A/376D of the Indian Penal Code. However, he has been found guilty of having committed offence which is punishable both under section 375 of the Indian Penal Code and under section 6 of the Protection of Children from Sexual Offences Act, 2012 read with section 5(j)(ii) of the said act. In view of section 42 of the Protection of Children from Sexual Offences Act, 2012, the accused will be sentenced under section 6 of the said act.

Since the offence under section 6 of the Protection of Children from Sexual Offences Act, 2012 is punishable with imprisonment for a minimum term of 10 (ten) years along with fine, the bail bond and surety of the accused stand cancelled. The surety stands discharged and the accused has been taken into custody.

On prayer by the learned counsel for the convict, list the case on **14.12.2018** for hearing and order on sentence.

Sessions Judge Karimganj Present: Utpal Prasad, AJS Sessions Judge Karimganj at Karimganj

14.12.2018

## ORDER

The convict Sadiqur Rahman has been produced from custody today. His learned counsel is present. Learned public prosecutor is also present.

Statement of the convict on point of sentence has been recorded.

Heard learned public prosecutor and the learned counsel for the convict on point of sentence.

As reflected in the judgment, the accused has been sentenced to undergo rigorous imprisonment for 10 (ten) years and to pay a token fine of Re 1. In default of payment of the said fine he shall undergo further rigorous imprisonment for 1 (one) day.

The aforesaid has been explained to the convict. The victim is also present as she is now wife of the convict. She has been explained the import of the judgment and the sentence imposed. Both the convict and the informant have been informed and explained in vernacular that they are eligible and entitle to prefer an appeal/revision before the Hon'ble Gauhati High Court within a period of 90 days. Convict has also been informed his eligibility and entitlement as reflected in the certificate appended at the end of the judgment. Copies of the judgment have been given accordingly.

The convict Sadiqur Rahman has prayed for appointment of a legal aid counsel for arranging for the papers required for preferring appeal against this judgment. As such, Sri M.L. Koiri, learned legal aid counsel is appointed counsel for him for the purpose. He shall procure all the necessary documents and shall prepare brief to be submitted to the High Court, Legal Services Committee, Gauhati High Court. He shall send the same through the Secretary, District Legal Services Authority, Karimganj. The expenses shall be borne

by the District Legal Services Authority, Karimganj as per the fund provided/available. Copy of this order be sent to him and also to the Secretary, District Legal Services Authority, Karimganj.

The victim has been held entitled to get compensation under the Victim's Compensation Scheme of the State of Assam and the District Legal Services Authority, Karimganj has been directed to pay compensation to the said victim as per the extent rules and norms.

Documents be sent to the Secretary, District Legal Services Authority, Karimganj in terms with paragraph 22 of the judgment.

With the above, the instant case stands disposed of on contest.

Sessions Judge Karimganj