Present: Utpal Prasad, AJS Sessions Judge Karimganj at Karimganj

09.12.2019

ORDER

The accused Ramjul Hussain and Basir Uddin have appeared with their respective counsels. The victim has also appeared with her leaned counsel. Learned Public Prosecutor is also present.

Judgement has pronounced in the open court today in presence of the accused and his learned counsel by reading the operative part thereof.

By way of the said judgement, the aforesaid two accused have been convicted of charges under section 376D of the Indian Penal Code, 1860 and under section 6 of the Protection of Children from Sexual Offences Act, 2012. As in view of section 42 of the protection of children from sexual offences act, 2012, the 2 convicts are to be sentenced under section 376D of the Indian penal code, and as the said provision prescribes for a minimum punishment of more than 3 years, the bail bonds and sureties of the 2 convicts have been cancelled and there have been taken into custody.

Statements of the convicts on point of sentence has been recorded.

Heard learned Public Prosecutor, the learned counsels for the two convicts and the victim and her learned Counsel on point of sentence.

As reflected in the judgment, the accused has been sentenced to undergo undergo rigourous imprisonment for the remainder of their lives and also to pay a fine of ₹ 50,000/- each to the victim. In default of payment of the fine, they shall undergo further rigourous imprisonment for one year each. The fines, if realized, shall be paid to the victim. It has been held that the aforesaid convicts shall not get the benefit of the provisions of section 428 of the Code of Criminal Procedure, 1973.

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

The victim has been held entitled to get compensation by virtue of the provisions of section 357A of the said Code, under the Victim Compensation Scheme of the State of Assam and that she also requires rehabilitation. As such, the Secretary, District Legal Services Authority, Karimganj has directed to take adequate steps for paying compensation to the victim and for her rehabilitation includina appropriate counselling bv trained psychiatrist/psychologist/mental health expert. Send a copy of this order, and copies of the medicolegal injury report of the victim, the 1st information report, the charge sheet, and her deposition recorded in this case to the Secretary, District Legal Services Authority, Karimganj for doing the needful.

Send a copy of the judgement to the learned District Magistrate, Karimganj and also to the Superintendent of Police Karimganj

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