

CAUSE TITLE**CRIMINAL APPEAL NO.11(4)2020.**

Appellant : Sri Kamal Hajong.

Respondent : State of Assam.

ADVOCATES :

For the Appellant : Mrs. M.D.G. Baruah, Advocate.

For the State: Mr. Jagneswar Saikia, the learned Public Prosecutor.

**IN THE COURT OF THE SESSIONS JUDGE, LAKHIMPUR,
AT NORTH LAKHIMPUR.**

Present: Smti. S.P. Khaund, (M.A. Economics, L.L.B.),
Sessions Judge,
Lakhimpur, North Lakhimpur.

CRIMINAL APPEAL NO.11(4)2020.

Appellant : Sri Kamal Hajong.

Respondent : State of Assam.

Date of argument : 12.10.2020.

Date of judgment : 12.10.2020.

JUDGMENT & ORDER

- 1) This Appeal is preferred against the Order of the Principal Magistrate, Juvenile Justice Board (JJB for short), Lakhimpur, North Lakhimpur.
- 2) The Appeal is preferred on the ground that the juvenile in conflict with Law was produced before the JJB on 22.08.2020 in connection with North Lakhimpur PS Case No.760/2020 u/s 376/ 294/ 506 IPC RW Section 6 of the Protection of Children from Sexual Offences Act (POCSO Act for short). The Petitioner representing the CICL prayed for custody of the CICL, but her prayer was rejected.
- 3) It is submitted that the CICL has to appear in the forthcoming H.S.L.C. examination, and he has to prepare for the examination. It is submitted that the Petitioner, Smti Makhani Bora will take

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proper care of the CICL and will prevent him from mingling with any person with a criminal background. It is submitted that the CICL will suffer irreparable loss if he is in custody. The Petitioner is the mother of the CICL.

- 4) I have heard both the sides.
- 5) I have heard the submission of the learned Special P.P.
- 6) The allegation against the CICL is that he used to frequent the household of the informant. But, in the garb of close acquaintance with the informant, the CICL frequented the informant's house and impregnated the informant's minor daughter, and the informant learnt that her daughter was pregnant and was carrying for six months.
- 7) I have considered the age of the CICL.
- 8) I have perused the copies and the documents submitted along with the Appeal memo. The Forwarding report depicts that the CICL is around 15 years.
- 9) The LCR, which was called for, was not forwarded. Considering the urgent nature of the petition, Appeal is partly allowed. It appears that the CICL will be provided with a better environment in his house to prepare for his examination. The age of the CICL is also taken into consideration. Believing the fact that the mother of the juvenile in conflict with Law, will take care and prevent him from coming in contact with any other anti-social member of the society, the Appeal is partly allowed.
- 10) The Principal Magistrate of the JJB, Lakhimpur, North Lakhimpur, is directed to pass necessary order for release of the juvenile in conflict with Law with the conditions, which the Board deems proper.
- 11) Send a copy of this Judgment & Order to the JJB, Lakhimpur, North Lakhimpur.

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Judgment & Order is signed, sealed and delivered in the open Court on the 12th day of October, 2020.

(S.P. Khaund)
Sessions Judge,
Lakhimpur, North Lakhimpur.

Certified that the Judgment is typed to my dictation and corrected by me and each page bears my signature.

(S.P. Khaund)
Sessions Judge,
Lakhimpur, North Lakhimpur.

Transcribed and typed by :
Sri Satyabrata Kshattry, Stenographer.