

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

NOTIFICATION NO. 17

Dated: Guwahati, the 15th March, 2024

Pursuant to the order dated 23-06-2023 passed by the Hon'ble Gauhati High Court in *Criminal Appeal (J) 40/2022 (Dipak Nayak Vs. The State of Assam & 2 Ors)*, Hon'ble the Chief Justice has been pleased to adopt the following Practice Directions for the proceedings, viz. Criminal Appeals/Revisions or Criminal Petitions filed under the POCSO Act in the Gauhati High Court and the Outlying Benches:

(a) Before granting bail to a person who is accused of an offence triable under sub-Section (3) of Section 376 or Section 376-AB or Section 376-DA or Section 376-DB of the Indian Penal Code, the High Court or the Court of Session shall give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application; and

(b) The Courts shall ensure that the Investigating Officer has, in writing as per "Annexure A", communicated to the informant or any person authorized by her that her presence is obligatory at the time of hearing of the application for bail to the person under sub-Section (3) of Section 376 or Section 376-AB or Section 376-DA or Section 376-DB of the Indian Penal Code. "Annexure A" shall be filed by the I.O. along with the Reply/Status Report to such bail application and the Courts shall make all endeavour to ensure presence of the informant or any person authorized by her.

(c) In every Bail Application / Criminal Appeal / Criminal Revision / Criminal Petition arising from cases involving offences under the POCSO Act and those covered by Section 439 (1A) CrPC; the Registry shall

(i) Serve a copy of such Bail Application/ Criminal Appeal/Criminal Revision/Criminal Petition to the Public Prosecutor concerned who, in turn, shall forward the same to the Investigating Officer