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Spl. NIA Case No. 01/2010

08.06.2016

UTPs Th. Herojit Singh, O. Samarjit Singh, Kh. Jiten Singh, S. Gune Singh, Mutum Ibahol, Ch. Bembem Chanu, N. Dilip Singh, L. Jatishor Singh, M. Joy Singh, R.K. Meghen, Y. Brajabidhu Singh, M. Sarat Singh, W. Naren Singh and Ibotomba Singh have been produced from the judicial custody.

Accused Moniton Sinha, N. Bomi Singh, S. Rakesh Singh and Londhoni Devi are present.

Judgment is delivered in open court. All the accused are held guilty and convicted u/s 20 of the U.A (P) Act. Accused A-9 & A-10 are held guilty and convicted u/s 17 of the U. A (P) Act. Accused A-23, A-24 & A-25 are held guilty and convicted u/s 21 of the U.A (P) Act. Accused A-6, A-7, A-8, A-10, A-11, A-12, A-16, A-17, A-18 & A-19 are held guilty and convicted u/s 18 of the U.A (P) Act and u/s 121 A IPC. Accused A-19 is held guilty and convicted u/s 18 B of the U.A (P) Act and u/s 122 IPC.

Heard the accused on the point of sentence. Their statements, in brief, on the issue of sentence have been recorded by me. All the accused/ convicts except A-19, have prayed for leniency mainly on the ground that they need to take care of their family and some of them have cited serious ailment.

A-23 stated that he has been in interim bail for his serious ailment including HIV+.

I have heard learned lawyers of both sides on the matter of sentence. Learned Special PP for NIA Mr. Das and PP for NIA Mr. Javed Ali Hassan have submitted that sentence should be commensurate with the kind of offence committed by the accused. They also submitted that the accused who have been convicted u/s 18 of U.A(P) Act and u/s 121 A IPC should be sentenced to imprisonment for life. It has also been submitted that there is no circumstance for showing any leniency to the accused.

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Mr. Singh, learned lawyer for all the accused except A-15, has submitted that in most of the sections, under which the accused have been convicted, the court has wide discretion in the matter of sentence. He also submitted that lenient sentence should be handed out to the accused so that they can get a scope for leading a meaningful and reformed life in future. In regard to A-14, it has been submitted that she spent about 11 months in jail and if her sentence becomes more than the period already undergone by her, her children will face immense problem. In regard to A-23, it has been submitted that he has serious ailment including HIV+ and he should also be given as less sentence as possible under the law. Mr. Talukder submitted that A-15 remained in jail for more than 4 years before he was granted bail by Hon'ble Supreme Court. It has also been submitted that minimum punishment should be imposed on him.

On consideration of the statements of the accused on the point of sentence and submissions of the learned lawyers of both sides I sentence the accused/ convict as mentioned below.

Under section 20 of the U.A (P) Act all the accused are sentenced to rigorous imprisonment for seven years and further sentenced to pay fine of Rs.10000/ each and in default of payment of fine to further imprisonment for one year.

Under Section 121 A IPC, accused A-6, A-7, A-8, A-10, A-11, A-12, A-16, A-17, A-18 & A-19 are sentenced to rigorous imprisonment for ten years and fine of Rs.10000/- each and in default of payment of fine to further imprisonment for two years.

Under section 18 of the U.A(P) Act, accused A-6, A-7, A-8, A-10, A-11, A-12, A-16, A-17, A-18 & A-19 are sentenced to rigorous imprisonment for eight years and fine of Rs.10000/ each and in default of payment of fine to further imprisonment for one year.

Under section 21 of the U.A(P) Act accused A-23, A-24 & A-25 are convicted to rigorous imprisonment for seven years and to fine of Rs.20000/- each and in default of payment of fine to further imprisonment for one year.

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