

GAHC040010642023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(Crl)/52/2023

Aga Nampe
S/o Shri Taking Nampe, R/o Village Nampe, Presently residing at Type III Colony,
P/o P/s Seppa, East Kameng District, Arunachal Pradesh

VERSUS

The State of AP and 2 Others
represented by the Public Prosecutor, Arunachal Pradesh. 2:Sanjay Kumar Mahaseth
Age: 0
Occupation :

3:Loli Dolo
Age: 0
Occupation

Advocate for the Petitioner : Pritam Taffo

Advocate for the Respondent : P P of AP

Linked Case : Crl.Rev.P./18/2023

Aga Nampe
Age: 28

Occupation :
Address:S/o Shri Taking Nampe
R/O Village Nampe
Presently residing at Type III Colony
P/o P/s Seppa
East Kameng District
Arunachal Pradesh.

VERSUS

The State of AP and 2 Others

Age: 0

Occupation :
Address:represented by the Public Prosecutor
Arunachal Pradesh.

2:Sanjay Kumar Mahaseth

Age: 0

Occupation :
Address:C/O Shri Chandro Sonam Residing at Ato Polo Colony
P/o P/s Seppa
District East Kameng
Arunachal Pradesh.

3:Loli Dolo

Age: 0

Occupation :
Address:(Pangia Complex Caretaker) son of late Pee Dolo
Bazaar Line
Seppa
PO/PS Seppa
District East Kameng
Arunachal Pradesh.

Advocate for : Pritam Taffo
Advocate for : P P of AP appearing for The State of AP and 2 Others: Advocate ,

, appearing for 2,

3, respectively.

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 16-08-2023

Heard Mr. P. Taffo, the learned counsel for the petitioner and Ms L. Hage, the learned Additional Public Prosecutor for the State respondent.

This is an application under Section 397 of the Code of Criminal Procedure, 1973 for suspension of judgment and order dated 08.06.2023 passed by the learned Sessions Court, West Kameng District in Criminal Appeal No.01/2022 Aga Nampe Vs. State of Arunachal Pradesh and to release the applicant on previous bail granted vide order dated 18.07.2023 by the Court of learned Chief Judicial Magistrate, Seppa passed in G.R. Case No.37/2023 allowing the applicant to remain on bail for 30 days from 18.07.2023 to enable the applicant to prefer the appeal against the judgment and order dated 08.06.2023 in Criminal Appeal No.01/2022 passed by the learned Sessions Court, West Kameng District upholding the conviction of the applicant under Section 352/34 IPC and thereby sentencing the applicant to undergo simple imprisonment for 2 months and also under Section 387/34 IPC read with Section 511 IPC sentencing the applicant to undergo 2 years of simple imprisonment in G.R. Case No.18/2021 arising out of Seppa P.S.

Case No.17/2021.

The revision petition filed by the applicant/revision petitioner being criminal revision petition 18 (AP)/2023 challenging the judgment and order dated 06.08.2023 passed in criminal appeal No. 01/2022 arising out of Seppa P.S Case No.17/2021 in G.R. Case No.18/2021 has been admitted for hearing.

The learned counsel for the applicant/revision petitioner contends that the victim, who was examined as PW-3 in the trial though have stated that the applicant chased him by holding a Dao which made him to run towards the Diwana hotel, wherein, he was stopped by one Buke Flago, who was approaching from the opposite side in his scorpio vehicle whereafter the miscreant/applicant left the place, there is no statement made by the victim/PW-3 that as a result of the victim/PW-3 being chased by the applicant he was made to deliver any property or valuable security, so as to attract the offence of extortion as defined under Section 383 of the IPC.

On consideration of the contentions raised above and also having regard to the fact that the applicant was on bail during the trial of the case and no instance of violation of any condition of bail by the applicant was brought to the notice of the Court at any stage and also having regard to the quantum of sentence passed by the

convicting Court, I am of the considered view that this application be allowed.

Accordingly, pending disposal of the revision petition, execution of sentence passed by the trial Court which has been up-held by the appellate Court of learned Sessions Court, Bomdila in criminal appeal No. 01/2023 arising out of Seppa P.S. Case No.17/2021 in G.R. Case No. 18/2021 shall remain suspended in so far as the applicant is concerned.

The Interlocutory application stands disposed of.

JUDGE

Comparing Assistant