

GAHC010254732022



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

Case No. : Crl.Rev.P./30/2023

CHANDRA KONWAR
S/O SRI NILA KONWAR, R/O. VILL.-BELIMUKHIA GAON, P.O.-NAMATI
PATHAR, P.S.-AMGURI, DIST.- SIVASAGAR, ASSAM, PIN-785684.

VERSUS

THE STATE OF ASSAM AND ANR.
THROUGH THE PUBLIC PROSECUTOR, ASSAM.

2:BASANTI MORAN
W/O. SRI SUBHASH NEOG
R/O.-NA KATANI KALOOGAON
BHARALUA TINIALI
P.O.-KALOOGAON
P.S.-GAURISAGAR
DIST.-SIVASAGAR
ASSAM
PIN.-785664

Advocate for the Petitioner : MR. A ALAM

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/26/2023

CHANDRA KONWAR
S/O. SRI NILA KONWAR
VILL. BELIMUKHIA GAON

P.O. NAMATI PATHAR
P.S. AMGURI
DIST. SIVASAGAR
ASSAM
PIN-785684.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

2:SMTI BASANTI MORAN
W/O SRI SUBHASH NEOG
R/O NA KATANI KALOOGAON
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Advocate for : MR. A ALAM
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : --25.01.2023

Heard Mr. A. Alam, learned counsel for the petitioner/applicant.
Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam/respondent.

This is an application under Section 489 Cr.P.C. for bail consequent to suspension/stay of the impugned order passed in Criminal Appeal No. 65(4) of 2017, filed by the petitioner which was dismissed by the learned Additional Sessions Judge, (FTC), Sivasagar; vide order dated 18.07.2022 for non prosecution/default.

It is submitted by the learned counsel for the petitioner that a petition is preferred before the learned Session Judge against the judgment and order dated 06.11.2017, passed in G.R. Case No. 1672/2015, whereby the petitioner, was convicted under section 354(A) IPC, and sentenced to R.I for 2 (two) months. An appeal was accordingly preferred before the learned Sessions Judge. But the same has transferred to the Court by learned Additional Sessions Judge, Sivasagar, which was not within the knowledge of the present petitioner. The learned Additional Sessions Judge dismissed the appeal only on the ground for non prosecution/default of the appellant, which not at all sustainable. Accordingly, one revision petition is filed by the present applicant and accordingly, prayed for suspension/stay of the impugned order dated 18.07.2022 passed in Criminal Appeal No. 65(4)/2017, dismissing the appeal for non prosecution and if there is no suspension order of such sentence then very purpose of filing the revision petition will become infructuous.

Considering the submission of learned counsel for the petitioner and also considering the entire circumstances of this case, I hereby direct that the impugned order dated 06.11.2017, passed in G.R. Case No. 1672/2015, whereby the petitioner, was convicted under section 354(A) IPC, and sentenced to R.I for 2 (two) months as well as the judgment and order dated 18.07.2022, passed in Criminal Appeal No. 65(4) of 2017 is stayed till disposal of the present revision petition and the sentence is also accordingly suspended till disposal of the revision petition allowing the petitioner to remain on his previous bail.

With the above observation the I.A stands disposed of.

JUDGE

Comparing Assistant