

GAHC010259092023



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

Case No. : Crl.A./425/2023

KARTHIK DUTTA @ KARTICK DUTTA
S/O ASHIT DUTTA,
R/O WARD NO. 13, SHANTI NAGAR, P.S.- DHUBRI, IN THE DIST. OF
DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE PUBLIC PROSECUTOR.

2:SUNIL CHANDRA
S/O LATE DINESH CHANDRA CHANDRA

R/O KOKRAJHAR BIDHANPOLLI
WARD NO. 3
P.S.- KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM

Advocate for the Petitioner : MR. K SARMA

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/1120/2023

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Advocate for : MR. K SARMA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 06.12.2023

Heard Mr. K. Sarma, learned counsel for the applicant and Ms. S. Jahan, learned Additional Public Prosecutor for the State of Assam.

2. This interlocutory application under Section 389 of the Code of Criminal Procedure, 1973, is filed for suspension of sentence and grant of bail to the applicant, namely, Karthik Dutta @ Kartick Dutta, who has been convicted by the learned Sessions Judge, Dhubri in Sessions Case No. 316/2018, vide Judgment and Order dated 04.10.2023 and sentenced to undergo simple imprisonment for 5(five) years and to pay fine of Rs.5,000/- i/d of payment of fine, simple imprisonment for 6(six) months for committing offence under Section 306 IPC.

3. The learned counsel for the applicant has submitted that the victim had committed

suicide and no any witnesses has stated anything regarding abetment of committing the offence on the part of the applicant/appellant. Considering the nature of offence as well as the fact of the case, the bail may be granted to the applicant. It is also contended that there are lots of infirmities in the impugned judgment and the applicant has good case on merit in succeeding the appeal.

4. In response, the learned Additional Public Prosecutor has submitted that considering the period of sentence, she has no objection if the prayer of the applicant is allowed.

5. I have considered the submissions of learned counsel for the parties.

6. Considering the submissions of learned counsel for the parties as well as the period of sentence, the prayer of the applicant is allowed. The sentence imposed on the applicant in Sessions Case No. 316/2018, by the learned Sessions Judge, Dhubri, vide judgment and order dated 04.10.2023 is suspended till disposal of the appeal, subject to the following conditions:-

- a) The applicant is directed to be released on bail on his furnishing a bond of Rs. 30,000/- (Rupees Fifty Thousand) only, with one surety of the like amount to the satisfaction of the learned Sessions Judge, Dhubri.
- b) The applicant shall not indulge in any criminal activities during the period of suspension of sentence.
- c) The applicant shall not leave the jurisdiction of the concerned Court.
- d) It is made clear that this Court has not delved into the merits of the appeal.

7. With the aforesaid observations, this Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant