

GAHC010263652023



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

Case No. : I.A.(Crl.)/1121/2023

SOFIKUL ALI @ SOFIQUL ALI
S/O MD. AMIR ALI
VILL- MANIKPUR
P.S. AMGURI
DIST. CHIRANG
BTR
ASSAM
PIN-783393

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP
ASSAM

2:SMT. SABITA BASUMATARY
W/O KANAK CH. BASUMATARY
VILL- LAWJURIPARA
P.S. KAJALGAON
DIST. CHIRANG
BTR
ASSAM

PIN-783385

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 23.11.2023

Heard Mr. H. R. A. Choudhury, learned senior counsel assisted by Mr. I. U. Choudhury, learned counsel for the applicant. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State respondent.

This interlocutory application has been registered by filing of an application by the applicant, namely, Sofikul Ali @ Sofiquil Ali, praying for suspending the sentence imposed on him in PRC Case No. 99/2019 passed by the learned Sessions Judge, Chirang, Kajalgaon.

The applicant by the said order has been sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs. 20,000/- only and in default of payment of the fine, to undergo simple imprisonment for 6 months under Section 454/34 of the IPC. Similarly it was for the offence under section 380/34.

The petitioner had preferred an appeal against the said judgment before the learned Sessions Judge, Chirang by which was registered as Criminal Appeal No. 03/2023. However, the said appeal was also dismissed by the learned Sessions Judge by order dated 04.10.2023 and the petitioner has now preferred the revision against the said order of the first appellate court before this Court and the said revision has been registered as Criminal Revision Petition No. 499/2023.

The learned counsel for the petitioner has submitted that learned Trial Court has not considered the evidence on record. Similarly, it is also submitted by learned senior counsel that the First Appellate Court also erred in dismissing

the first appeal preferred by the petitioner.

Learned senior counsel for the applicant has submitted that there is a chance for getting a verdict of acquittal in the connected revision petition filed by the present petitioner and as the sentence imposed on the present petitioner is of a short duration of three years only unless the said sentence is suspended.

There is a likelihood that disposal of the connected Criminal Revision Case would take a long time and which would cause prejudice to the present petitioner if ultimately, he is not found to be guilty of the offence for which he has been convicted.

Learned Additional Public Prosecutor has also submitted that considering the short period of duration for which the present petitioner has been convicted and considering the probability of taking longer time for disposal of the connected revision petition, she does not oppose the prayer for suspension of the sentence during the pendency of the connected revision petition.

Considering the submission made by learned counsel for the petitioner as well as learned Additional Public Prosecutor, the sentence imposed on the present petitioner by the impugned judgment 03/2023 passed by court of learned Additional Chief Judicial Magistrate, Chirang in PRC Case No. 99/2019 is hereby suspended during the pendency of the connected Criminal Revision Petition No. 499/2023 and the petitioner, namely, Sofikul Ali @ Sofiquil Ali, is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Chirang, Kajalgaon.

With the above, observation, this interlocutory application is hereby disposed of.

JUDGE

Comparing Assistant