

GAHC040002462023



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

Case No. : Linked Case : IA(Crl)/19/2024

Bajum Sidasow
Age: 65
Occupation :
Address: Wife of Late Govinda Regisow
Hussugo Village
Bbomdila
PO and PS Rupa
West Kameng District
Arunachal Pradesh presently lodged at Jilly Jail
Itanagar

VERSUS

The State of AP and Anr
Age: 0
Occupation :
Address: represented by the PP of AP
2: Lambu Regisow
Age: 0
Occupation :
Address: Son of Late Govinda Sidasow
permanent resident of Hussugo Village
PO and PS Rupa
West Kameng District
Arunachal Pradesh

Advocate for : Nikita Danggen
Advocate for : P P of AP appearing for The State of AP and Anr: Advocate , appearing for 2,
respectively.

In CRL.A(J)/1/2023

Bajum Sidasow

W/o Late Govinda Regisow,
Vill Hussugo, Bomdila, PO/PS Rupa, District Bomdila (Arunachal Pradesh) Presently
Lodging at District Jail Jolly, Itanagar.

VERSUS

THE STATE OF AP and Anr.
Represented by the Public Prosecutor. 2:Lambu Regisow
Age: 0
Occupation :
S/o Late Govinda Sidasow

Permanent Resident of Village Hussugo
PO/PS Rupa
District West Kameng
Arunachal Pradesh

Advocate for the Petitioner : Nikita Danggen

Advocate for the Respondent : P P of AP

BEFORE
HONBLE THE CHIEF JUSTICE
HONBLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 22/03/2024
Vijay Bishnoi, CJ

Heard Ms. N. Dangen, learned Amicus Curiae, appearing for the applicant. We have also heard Ms. T. Jini, learned APP, Arunachal Pradesh, appearing for the State.

The matter comes upon for consideration of the application preferred on behalf of the applicant/appellant under section 389(1) of the Cr.P.C. with the prayer to suspend the jail sentence awarded to the appellant by the learned trial Court in Sessions Case No. 65/2015 of District and Sessions Judge, Bomdila.

The learned counsel for the appellant has argued that the learned trial Court has grossly erred in convicting and sentencing the appellant though the prosecution has measurably failed to prove the charges against her. It is also submitted that there is no eye witness in the case and the trial Court has convicted the appellant on the basis of the circumstantial evidence. However, the said evidence is not sufficient to prove the guilt of the appellant as the chain of events have not been proved by the prosecution. It is also

submitted that the appellant is a lady and is suffering from incarceration since long and there are chances of acquittal of the appellant and, therefore, the sentence awarded by the learned trial Court may kindly be suspended.

Ms. T. Jini, learned APP, Arunachal Pradesh, has no objection if the application for suspension of sentence is allowed.

Having heard the learned counsel for the parties and after carefully scrutinizing the records, particularly the fact that the conviction of the appellant is based on circumstantial evidence and taking into consideration the custody period of the appellant, we deem it appropriate to allow the application. Hence, the application for suspension of the jail sentence is allowed. The appellant be released on bail.

Taking into consideration the fact that the appellant is a poor lady, we deem it appropriate to direct her to furnish a personal bond only to the tune of Rs. 25,000/- to the satisfaction of the trial Court. On furnishing the same, the learned trial Court may release her on bail.

The appellant shall not leave the jurisdiction of the learned trial Court without seeking leave from this Court. The appellant shall also mark her presence before the learned Trial Court once in every three months. In case the appellant fails to mark her presence in the trial Court in every three months, the trial Court shall inform this Court immediately.

IA stands disposed of.

JUDGE

CHIEF JUSTICE

Sukhamay

Comparing Assistant