

GAHC010000932024



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

Case : I.A.(Crl.)/37/2024

NAMOR ALI AND 3 ORS
S/O LATE ISAD ALI VILL- BAGAWANPUR PART-I
P.S. KATLICHERRA DIST. HAILAKANDI
ASSAM

2: ABDUL HAQUE @ ABDUL BARI
S/O SAIDUR RAHMAN VILL- BAGAWANPUR PART-I
P.S. KATLICHERRA
DIST. HAILAKANDI
ASSAM

3: MOYNUL HOQUE BARBUIYA @ MOINUL HAQUE
S/O SAIDUR RAHMAN
VILL- BAGAWANPUR PART- I
P.S. KATLICHERRA DIST. HAILAKANDI
ASSAM

4: SAMSUL HAQUE
S/O SAIDUR RAHMAN VILL- BAGANPUR
PART-I
P.S. KATLICHERRA
DIST. HAILAKANDI
ASSAM
VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP
ASSAM

Advocate for : MR. A M BARBHUIYA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

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

ORDER

Date : 10.01.2024

Heard Mr. A. M. Barbhuiya, learned counsel for the petitioner.

This interlocutory application has been preferred by the petitioners under Section 397 of the Code of Criminal Procedure, 1973 praying for suspending the sentence imposed on the petitioners by the order dated 02.06.2018 passed by the learned Judicial Magistrate, First Class, Hailakandi in G.R. Case No. 1321/2011 which has been upheld by the judgment and order dated 04.12.2023 passed by the learned Additional Sessions Judge, Hailakandi in Criminal Appeal No. 07/2019.

The petitioners have impugned the aforesaid judgment by preferring a criminal revision petition which is registered as Criminal Revision Petition No. 12/2024.

Learned counsel for the petitioners has submitted that the petitioners are presently on bail granted by the Lower Court and has prayed for suspending the sentence.

Considering the fact that the petitioner Nos. 1, 2 and 3 are sentenced to a limited duration of one year only, whereas, the petitioner No. 4 has been sentenced to undergo simple imprisonment for limited duration of two years only and all of them are presently on bail, therefore, during the pendency of the Criminal Revision Petition No. 12/2024, the operation of the sentence imposed on the petitioners by the impugned judgment is hereby stayed.

This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant