

GAHC010001082024



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

Case No. : I.A.(CrI.)/56/2024

OMAR SHEIKH @ AMAR ALI AND 2 ORS
S/O LATE MANIK SHEIKH
R/O VILL.-LUWASUR
MOUZA-BHAWANIPUR
P.S. AND DIST.-BARPETA
ASSAM
PIN-781318.

VERSUS

THE STATE OF ASSAM
REP. BY PP
ASSAM

Advocate for : MR Z ALAM
Advocate for : appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

18.01.2024

Heard Mr Z Alam, learned counsel for the petitioners, 1) Omar Sheikh @ Amar Ali,
2) Samar Sheikh @ Samar Ali and 3) Mahar Sheikh @ Mahar Ali.

2. The petitioners have filed this application under Section 389 of the CrPC, with

prayer for suspension of the order of conviction and sentence dated 05.01.2021, passed by the learned SDJM(M), Bajali, in connection with GR Case No. 549/2016, arising out of Barpeta PS Case No. 1151/2016. The petitioners were convicted and sentenced to undergo SI for one month and to pay a fine of Rs. 500/- for offence punishable under Section 447 IPC and further to undergo SI for six months and to pay a fine of Rs. 500/- with default stipulation, for the offence under Section 323 IPC. This conviction and sentence was upheld by the learned Sessions Judge, Bajali, Pathsala, vide order dated 08.08.2023, in connection with Criminal Appeal No. 2/2021 and Criminal Appeal No. 3/2021.

3. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. The learned Additional Public Prosecutor has accepted notice on behalf of respondent/State of Assam. So, no formal notice is required to be issued to the respondent. However, sufficient copies be furnished to the respondent.

5. I have considered the submissions at the Bar.

6. The Judgment and Order of conviction and sentence, mentioned above, is stayed until further order(s) and the petitioners are allowed to remain on previous bail.

7. Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant