

GAHC010003902024



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

Case No. : Crl.Rev.P./13/2024

KRISHNA KALITA
S/O JOLTI RAM KALITA
R/O VIP JUGIPURA
P.S. AZARA
DIST. KAMRUP (M), ASSAM

VERSUS

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

2:NASREEN S. AHMED
INSPECTOR OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
KAMRUP (M)

Advocate for the Petitioner : MR. A CHAMUAH

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/44/2024

KRISHNA KALITA
S/O JOLTI RAM KALITA R/O VIP JUGIPURA P.S. AZARA DIST. KAMRUP (M)
ASSAM

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2:NASREEN S. AHMED
INSPECTOR OF FOOD
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KAMRUP (M).

Advocate for : MR. A CHAMUAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : --12.01.2024.

Heard Mr. A. Chamuah, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Addl. P.P., Assam.

This Interlocutory Application has been filed by the petitioner namely, Sri Krishna Kalita for suspension of the sentence imposed on the petitioner by the Court of learned Additional Chief Judicial Magistrate, Kamrup (M) Guwahati in C.R Case No. 3334/2008, which was upheld by the learned Additional Sessions Judge No. 1, Kamrup (M) Guwahati in Criminal Appeal No. 197/2018. The petitioner has impugned the aforesaid judgment by preferring a Criminal Revision Petition which was registered as Criminal Revision Petition No. 3334/2024.

By the impugned judgment and order, the petitioner has been sentenced to undergo simple imprisonment for a period of 3(three) months and to pay a fine of Rs.1000/-(Rupees one thousand) only under section 7(1)(a)(ii) of the

Essential Commodities Act, 1955.

The learned counsel for the petitioner has submitted that the petitioner has good ground to pursue the criminal revision petition filed against the impugned order and there is a chance of success in the said criminal revision petition as the sentence imposed on the present petitioner is for a very limited duration of three months. Hence, unless the sentence is suspended during the pendency of the Criminal Revision Petition No. 13/2024, he would be prejudiced in the event of success in the said criminal revision petition.

Therefore, during the pendency of the Criminal Revision Petition No. 13/2024, the sentence imposed on the present petitioner by the impugned judgment is hereby suspended and this interlocutory application is disposed of.

JUDGE

Comparing Assistant