

GAHC010019642024



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

Case No. : I.A.(CrI.)/108/2024

BIRA NATH PATIR
S/O LATE METON PATIR VILL- MOINA PARA P.S. GOGAMUKH DIST.
DHEMAJI
ASSAM

VERSUS

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

2:SMTI BANDANA SAIKIA CHUTIA
S/O LATE KESWOB CHUTIA KEKURI MADHUPUR P.O. KEKURI P.S.
DHAKUAKHANA DIST. LAKHIMPUR
ASSAM PIN-786003

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

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

07.02.2024

Heard Mr. A. Khanikar, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent No. 1.

This is an application under Section 397 of the Code of Criminal Procedure, 1973, praying for suspension of sentence passed against the accused/applicant.

It is to be noted here that the applicant has already preferred one criminal revision petition, being CrI. Rev. P./37/2024, against the judgment and order dated 18.11.2023, passed by the learned Sessions Judge, Lakhimpur, North Lakhimpur in Criminal Appeal No.5(1)/2023 upholding the judgment and order passed by the learned SDJM(M) Dhakuakhana in P.R.C. Case No.81/2020 convicting the petitioner under Section 304A/279 of IPC and undergo R.I. for 1 (One) year with fine of Rs.1,000/-(Rupees One thousand) only in default to undergo imprisonment for 1(one) month under Section 304A of IPC and undergo R.I for a period of 1(one) month under Section 279 of IPC.

The said revision petition, being CrI. Rev. P./37/2024, has already been admitted and the record has already been called for.

It is submitted by the learned counsel for the applicant, Mr. A. Khanikar that the applicant is still under previous bail, and accordingly prays for, suspension of the sentence imposed upon him.

Considering the submissions of learned counsels of both sides and also considering the facts and circumstances on the record and the grounds taken in the revision petition, I find it appropriate to allow this interlocutory application. Accordingly, the operation of the impugned judgment and order dated 18.11.2023, passed by the learned Sessions Judge, Lakhimpur, North Lakhimpur in Criminal Appeal No.5(1)/2023 upholding the judgment and order passed

by the learned SDJM(M) Dhakuakhana in P.R.C. Case No.81/2020 convicting the petitioner under Section 304A/279 of IPC and undergo R.I. for 1 (One) year with fine of Rs.1,000/- (Rupees One thousand) only in default to undergo imprisonment for 1(one) month under Section 304A of IPC and undergo R.I for a period of 1(one) month under Section 279 of IPC, stands stayed/suspended till disposal of the revision petition, being CrI. Rev. P./37/2024.

Further, the applicant is allowed to remain on previous bail by abiding all the terms and conditions.

In terms of above, this interlocutory application stands disposed.

JUDGE

Comparing Assistant