

GAHC010020502024



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

Case No. : I.A.(CrI.)/95/2024

AJA DOLEY
S/O CHANDRA DOLEY
VILL.- ADUD GAON
P.S.- GOGAMUKH
DIST.- DHEMAJI
ASSAM.

VERSUS

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

2:S.I. AJIT KUMAR BHUYAN
S/O LATE BHOGESWAR BHUYAN

EMPLOYEE OF ASSAM POLICE
GILAMORA POLICE STATION
DIST.- LAKHIMPUR
ASSAM
PIN- 787055.

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

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 05.02.2024

Heard Mr. A. Khanikar, learned counsel for the applicant. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 389 more particularly Section 389(I) of the Code of Criminal Procedure praying for stay/suspension of sentence passed by the learned Special Judge, Assam, Guwahati, in Special Case No. 28/2017, vide judgment and order dated 13.12.2023.

It is submitted by Mr. Khanikar, learned counsel for the applicant, that the present applicant is convicted under Section 12 of the P.C. Act and presently the accused is on bail granted by the learned Special Judge, Assam, Guwahati. Further it is submitted that the applicant has already preferred an appeal, being Crl. A./28/2024, against the judgment and order dated 13.12.2023, passed by the learned Special Judge, Assam, Guwahati, in Special Case No. 28/2017 (arising out of Ghilamora P.S. Case No. 104/2017 corresponding to G.R. Case No. 293/2017), whereby the applicant was convicted under Section 12 of the P.C. Act, 1988 and sentenced to undergo R. I. for 3 (three) with a fine of Rs. 30,000/- (Rupees thirty thousand) only and in default to undergo R.I. for 1 (one) month.

In this context, Mr. Parasar, learned Additional Public Prosecutor, has submitted that the accused was convicted for 3 (three) years in connection with this case and accordingly raised no objection if the sentence is suspended till

disposal of the connected appeal.

Considering the submissions made by the learned counsels for both sides and also considering the term of sentence, I find it appropriate to allow this interlocutory application. Accordingly, the operation of the judgment and order dated 13.12.2023, passed by the learned Special Judge, Assam, Guwahati, in Special Case No. 28/2017 (arising out of Ghilamora P.S. Case No. 104/2017 corresponding to G.R. Case No. 293/2017), is hereby suspended till disposal of the connected appeal. However, the applicant is hereby directed to abide by all the conditions which were imposed on him while granting bail by the learned Court below.

In terms of above, this interlocutory application stands disposed.

JUDGE

Comparing Assistant