

GAHC010023022024



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

Case No. : I.A.(Crl.)/111/2024

RANJIT BORO AND ANR
S/O NAREN BORO R/O VILL- KAKALBHANGI P.O. KHELMATI
P.S. TEZPUR DIST. SONITPUR
ASSAM

2: SRI MIZU BASUMATARY
S/O LATE BISWA BASUMATARY R/O VILL- KAKALBHANGI P.O. KHELMATI
P.S. TEZPUR DIST. SONITPUR
ASSAM
VERSUS

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

2:SRI SUJAL DAS
S/O ANIL DAS R/O GHAGRA P.O. AND P.S. TANGLA DIST. UDALGURI
ASSAM

Advocate for : MR. S C BISWAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

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

08.02.2024

Heard Mr. S. C. Biswas, learned counsel for the applicants. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 389 of the Code of Criminal Procedure, 1973, praying for suspension of sentence and to allow the accused/applicants to remain on previous bail during the pendency of the connected revision petition.

3. It is submitted by Mr. S. C. Biswas, learned counsel for the applicants, that the applicants have already preferred a criminal revision petition, being CrI. Rev. P./40/2024, which has already been admitted for hearing and the present accused/applicants are on previous bail granted by the learned Court below and accordingly prayed that the sentence imposed on the applicants may be suspended and they may be allowed to remain on previous bail till disposal of the connected revision petition.

4. In this context, Mr. Parasar, learned Additional Public Prosecutor, raised no objection in allowing the prayer of the applicants.

5. Considering the submissions made by the learned counsels for both sides and also considering the nature of offence as well as the term of conviction, I find it appropriate to allow this interlocutory application. Accordingly, the operation of the sentence passed by the learned Sub-Divisional Judicial Magistrate, Tezpur, vide judgment and order dated 16.08.2023, in G.R. Case No. 714/2012, under Sections

324/365/394/34 of the Indian Penal Code as well as the impugned judgment and order dated 06.01.2024, passed by the learned Special Judge, Sonitpur, Tezpur in Criminal Appeal No. 17(S-3)/2023, shall remain suspended till disposal of the connected criminal revision petition, being Crl. Rev. P./40/2024.

6. Further, the applicants are hereby allowed to remain on previous bail.

7. In terms of above, this interlocutory application stands disposed.

JUDGE

Comparing Assistant