

GAHC010015162024



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

Case No. : I.A.(Crl.)/133/2024

JAKIR ALI
S/O LATE FARID SAIKIA
VILL.- SIMILA
P.S.- GORESWAR
IN THE DISTRICT OF BAKSA
ASSAM.

VERSUS

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

2:NIBILA BORO
W/O LT. UDDHAB BORO

VILL.- PUKHURIPAR
P.S.- GORESWAR
IN THE DISTRICT OF BAKSA
ASSAM.

Advocate for : MR. M.P. BORAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 13.02.2024

Heard Mr. M. P. Borah, learned counsel for the appellant. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent.

This Interlocutory Application has been filed by the applicant namely, Jakir Ali under section 389 of the Code of Criminal Procedure, 1973 praying for suspension of sentence imposed on him by the judgment and order dated 30.11.2023 passed by the learned Sessions Judge Baksa in Sessions Case No. 12/2018 whereby the applicant has been convicted under Section 304 Part-II of the Indian Penal Code and has been sentenced to undergo simple imprisonment for 3 years and to pay a fine of Rs. 10,000/- and in default of payment of fine further simple imprisonment for six months.

The aforesaid judgment has been impugned by the present applicant by filing a connected criminal appeal which has been registered as Criminal Appeal No. 37/2024. Since the petitioner is on bail and since he has been sentenced for a limited duration of three years only, the applicant is allowed to remain on previous bail granted to him by the learned trial court during the pendency of connected Criminal Appeal No. 37/2024.

With the above observations, this Interlocutory Application is disposed of.

JUDGE

Comparing Assistant