

GAHC010041382022



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

I.A.(Crl.)/85/2023

MD MAMTAZ ALI
S/O LATE UMAR ALI
R/O DIGHALI
P.S.-NALBARI
DIST-NALBARI (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. S K JAIN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

26.06.2024

Heard Mr. A. Ahmed, the learned counsel appearing for the applicant. Also heard Mr. Bankim Sarma, the learned Addl. Public Prosecutor, Assam representing the State

Respondent.

2. This is an application under Section 389 of the Code of Criminal Procedure (Cr.P.C) praying for suspension of sentence imposed upon the petitioner by the learned Assistant Sessions Judge, Nalbari in Sessions Case No.144/2019.

3. The applicant was convicted under Sections 326 and 307 of the Indian Penal Code (IPC).

4. I have gone through the judgment passed by the trial court. I have also gone through the medical report as well as the evidence. Considering all this, the prayer of the applicant/appellant is allowed.

5. The judgment and order dated 07.02.2022 passed by the learned Assistant Sessions Judge, Nalbari in Sessions Case No.144/2019 shall remain stayed till disposal of the connected criminal appeal.

6. The applicant Md. Mamtaz Ali is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the Assistant Sessions Judge, Nalbari.

The Interlocutory Application is disposed of accordingly.

JUDGE

Comparing Assistant