

GAHC010032262024



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

Case No. : I.A.(Crl.)/175/2024

FAZLUR RAHMAN
S/O MD. HABIBAR RAHMAN VILL- TAMULDI
P.S. BOKO DIST. KAMRUP
ASSAM

VERSUS

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

2:MD. SHAYZUDDIN
S/O MD. TOMEZUDDIN VILL- TAMULDI
P.S. BOKO DIST. KAMRUP
ASSAM PIN-781136

Advocate for : MR. N UDDIN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

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

22.02.2024

Heard Mr. N. Uddin, learned counsel for the applicant. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 389 of the Code of Criminal Procedure, 1973, praying for suspension of the judgment and order dated 07.09.2019 passed by the learned Chief Judicial Magistrate, Kamrup, Amingaon in G. R. Case No.811/2015, which is affirmed by the Court of learned Sessions Judge, Kamrup, Amingaon, vide order dated 16.11.2023 in CrI.Appl.No.32/2019.

Mr. Uddin, learned counsel for the applicant has submitted that a Criminal Revision Petition No.64/2024 has already been filed against the order passed by the learned Session Judge in connection with this case, wherein, the said Court affirmed the order of conviction and sentence passed against him and sentenced to undergo S.I. for a period of 6(six) months and also sentenced to pay a fine of Rs. 5,000/- (Rupees five thousand) only in default of payment of S. I. for 2(two) months for the offence under Section 354 (D) of IPC. He also submitted that there are sufficient grounds for succeeding the present criminal revision petition and accordingly, he prays to suspend the conviction and allow the accused/ applicant to remain on previous bail till disposal of the said criminal revision petition. He further submits that there is no chance of absconding, if the same is allowed.

In this regard, Mr. Das, learned Additional Public Prosecutor raised no objection on the prayer made by the learned counsel for the applicant.

Considering the above aspect of the case and also considering the terms of sentence imposed upon the accused/petitioner, I find it a fit case to allow the applicant to remain on previous bail by suspending the sentence imposed upon him vide judgment and order dated 07.09.2019 passed by the learned Chief Judicial Magistrate, Kamrup in G. R. Case No. 811/2015 which has been affirmed by the Court of learned Sessions Judge, Kamrup vide

judgment and order dated 16.11.2023 in Crl. Appl. No.32/2019, and accordingly, the petition stands allowed.

The interlocutory application stands disposed of in terms above.

JUDGE

Comparing Assistant