

GAHC010233242023



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

Case No. : I.A.(Crl.)/181/2024

PRANAB KUMAR DAS
S/O LT. KRISHNA KUMAR DAS
R/O RAJABARI HOUSE NO. 8

UZAN BAZAR (RIVER SIDE)
P.O. UZAN BAZAR
P.S. LATASIL
DIST. KAMRUP (M)
ASSAM
GUWAHATI-01

VERSUS

STATE OF ASSAM AND ANR
REP. BY THE PP
ASSAM

2:SMTI. PRABHA DEVI
W/O SRI AJIT KUMAR BARUAH R/O GITA NAGAR
SONARAM PATH HOUSE NO. 03
P.S. GITANAGAR DIST. KAMRUP (M)
ASSAM GUWAHATI-781021

Advocate for : MR. B. DAS
Advocate for : PP
ASSAM appearing for STATE OF ASSAM AND ANR

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

06.03.2024

Heard Mr. B. Das, learned counsel for the applicant. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State respondent.

This is an application praying for suspension of sentence imposed upon the accused/applicant and to allow him to remain on previous bail.

It is submitted by the learned counsel for the applicant, Mr. Das that a connected revision petition has already been challenging the impugned judgment and order dated 30.05.2023 passed by the learned Additional Sessions Judge No.5, Kamrup (M) in Criminal Appeal Case No.174/2019, whereby dismissed the said appeal and upheld the judgment and order passed by the learned Judicial Magistrate First Class, Kamrup (M), Assam in C. R. Case No. 1657/2016, whereby, convicting the accused/applicant under Section 138 of N. I. Act and sentenced him to undergo SI for a period of 6 (six) months and further to pay an amount of Rs.10,00,000/- (Rupees ten lakhs) only and SI for another 2 (two) months in default of payment of compensation.

He also submitted that the accused/applicant is innocent and has taken sufficient ground in connected Criminal Revision Petition No.78/2024 and there is every chance of acquittal of the accused/applicant. More so, the applicant is still under previous bail, and accordingly he prays for, suspension of the sentence imposed upon him till disposal of criminal revision petition and also submits that he will not jump over the conditions of bail, if the same is allowed.

Considering the submissions of learned counsels of both sides and also considering the facts and circumstances on the record and the grounds taken in the

revision petition, I find it appropriate to allow this interlocutory application. Accordingly, the operation of the the impugned judgment and order dated 30.05.2023 passed by the learned Additional Sessions Judge No.5, Kamrup (M) in Criminal Appeal Case No.174/2019, whereby dismissed the said appeal and upheld the judgment and order passed by the learned Judicial Magistrate First Class, Kamrup (M), Assam in C. R. Case No. 1657/2016, whereby, convicting the accused/applicant under Section 138 of N. I. Act and sentenced him to undergo SI for a period of 6 (six) months and further to pay an amount of Rs.10,00,000/- (Rupees ten lakhs) only and SI for another 2 (two) months in default of payment of compensation, stands stayed/suspended till disposal of the revision petition, being Criminal Revision petition No.78/2024.

Further, the applicant is allowed to go on fresh bail for Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Kamrup (M) in connection with C. R. Case No.1657/2016 registered under Section 138 of N. I. Act, the accused/applicant, namely, Sri Pranab Kumar Das, be enlarged on bail, subject to the following conditions:

- (i) that the applicant shall not leave the jurisdiction of the learned Judicial Magistrate First Class, Kamrup (M) without prior permission.

In terms of above, this interlocutory application stands disposed.

JUDGE

Comparing Assistant