

GAHC010039342024



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

Case No. : I.A.(Crl.)/200/2024

JAYANTA DUTTA
S/O LT. PARESH CH. DUTTA R/O G.F. ROAD BEGENEKHOWA P.O. GOLAGHAT
PIN- 785621 P.S. GOLAGHAT DIST. GOLAGHAT

VERSUS

M/S JAIN AGENCIES AND ANR
A.K. AZAD ROAD
BEHIND R.K. TOWER
P.S. PALTAN BAZAR
GUWAHATI-781008
KAMRUP (M)

2:SANJAY KUMAR JAIN
S/O SRI CHAINSUKH JAIN AUTHORISED SIGNATORY OF M/S JAIN
AGENCIES P.O. AND P.S. PALTAN BAZAR
PIN-781008
GUWAHATI
DIST. KAMRUP (M)
ASSAM

Advocate for : MS. A BEGUM
Advocate for : appearing for M/S JAIN AGENCIES AND ANR

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

01.03.2024

Heard Ms. A. Begum, learned counsel for the applicant.

This is an application praying for suspension of sentence imposed upon the accused/petitioner in C.R. Case No. 1718^c/2016, whereby the petitioner was convicted for an offence under Section 138 of N. I. Act, 1881; to undergo S.I for 6 (six) months and pay the compensation amount of Rs.2,00,000/- (Rupees Two lakhs) only to the complainant and in default in payment of the same to undergo S.I for another 1(one) month and affirmed by the learned Appellate Court vide judgment and order dated 17.11.2023 in Criminal Appeal No.44/2021.

Ms. Begum, learned counsel for the applicant has submitted there are sufficient contradictions in the evidences of the PWs. More so, the case was filed without any authorization of the complainant. Further, the learned counsel for the applicant has submitted that there is every chance of succeeding the present connected petition and accordingly, she prays to suspend the conviction and allow the accused/applicant to remain on bail, till disposal of the connected criminal revision petition.

After considering the submission made by the learned counsel for the applicant as well as considering the facts of the case, I find it a fit case to allow the accused/applicant to go on interim bail by suspending the sentence imposed upon him.

Accordingly, it is provided that on furnishing a bond of 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), Guwahati, the accused/applicant, namely Sri Jayanta Dutta, be enlarged on bail till disposal of the instant criminal revision petition.

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

JUDGE

Comparing Assistant