

GAHC010065152024



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

I.A.(Crl.)/305/2024

MIZANUR RAHMAN AND 2 ORS
S/O SAMSER ALI
RESIDENT OF VILLAGE BELTARI
PS SAPATGRAM
DIST DHUBRI
ASSAM 783345

2: SAMSER ALI
S/O LATE MOHODDI SK
RESIDENT OF VILLAGE BELTARI
PS SAPATGRAM
DIST DHUBRI
ASSAM 783345

3: ASHMA BIBI
W/O SAMSER ALI
RESIDENT OF VILLAGE BELTARI
PS SAPATGRAM
DIST DHUBRI
ASSAM 783345
VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for : MR. R ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case :Case No. : Crl.A./90/2024

MIZANUR RAHMAN AND 2 ORS

S/O SAMSER ALI
RESIDENT OF VILLAGE BELTARI, PS SAPATGRAM, DIST DHUBRI, ASSAM
783345

2: SAMSER ALI
S/O LATE MOHODDI SK

RESIDENT OF VILLAGE BELTARI
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ASSAM 783345

3: ASHMA BIBI
W/O SAMSER ALI
RESIDENT OF VILLAGE BELTARI
PS SAPATGRAM
DIST DHUBRI
ASSAM 78334

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN, MR M Z SHAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 17.09.2024

Heard Mr. R Ali, learned counsel appearing for the applicants as well as Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 389 of the Code of Criminal Procedure praying for suspension of sentence passed by the learned Additional Sessions Judge, Bilasipara vide judgment and order dated 07.03.2024 in Sessions Case No.26/2019.

3. I have considered the submissions made by the learned counsels of both sides. I have

also considered the objection filed by the state respondent and have also gone through the materials available in the case record including the impugned judgment.

4. The sentence imposed upon the applicants vide the judgment and order dated 07.03.2024 passed by the learned Additional Sessions Judge, Bilasipara in Sessions Case No.26/2019 shall remain stayed till disposal of the connected appeal.

5. It is further directed that the applicants, namely, Mizanur Rahman, Samser Ali and Ashma Bibi shall be allowed to go on bail of Rs. 25,000/- each to the satisfaction of the learned Additional Sessions Judge, Bilasipara.

6. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant