

GAHC010068602024



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

I.A.(CrI.)/324/2024

KHANA DAS
D/O ANIL DAS R/O VILL- METUAKUCHI WARD NO. 20
P.O. SANTINAGAR P.S. BARPETA
DIST. BARPETA
ASSAM
PIN-781314

VERSUS

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

2:HARIDEV DAS
S/O LATE KRISHNA KANTA DAS R/O VILL AND P.O.BILARTARIHATI
(NAKHANDA ROAD) P.S. BARPETA
DIST. BARPETA
ASSAM
PIN CODE- 781301

Advocate for : MR. R DE
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.04.2024

Heard Mr. R. De, learned counsel for the petitioner. also heard Mr. R.R.Kaushik, learned

Additional Public Prosecutor for the State respondent.

This is an application under Section 389 Cr.P.C praying for suspension of sentence. It is submitted that the impugned judgment and order dated 03.01.2024 passed by the learned Additional Sessions Judge, FTC, Barpeta in CrI.A.13/2023 had affirmed the judgment and order dated 28.03.2023 passed by the learned JMFC, Barpeta, whereby the applicant was sentenced to undergo SI for six months and to pay compensation of Rs.3,72,000/- which is inclusive of the cheque amount, in default SI for another period of six months.

It is submitted by the learned counsel for the petitioner that during the entire trial before the learned JMFC as well as before the learned Sessions Judge he was in bail and he never jumped over any conditions of bail. He further submits that the learned Court below did not consider the fact that it was a security cheque and also not considered that the money has already been paid to the respondents. There is every possibility of succeeding the connected revision petition.

Further learned counsel for the petitioner submits that that the accused/petitioner being a resident of his locality there is no chance of absconding, if he is allowed to remain on previous bail.

Accordingly, it is prayed for suspension of the sentence by the learned Additional Sessions Judge in CrI.A. 13/2023 and N.I. Case No.23/2019 passed by the JMFC, Barpeta till disposal of the connected revision petition.

Considering the entire submission made by the learned counsel for the petitioner and the other aspect of the case, the operation of the impugned judgment and order dated 03.01.2024 and 28.03.2024 passed by the learned Additional Sessions Judge in Appeal No.13/2023 and judgment passed by the learned JMFC, Barpeta in N.I. Case No.23/2019 respectively are hereby suspended till disposal of the connected revision petition.

Accordingly, the accused petitioner Smti Khana Das is allowed to go on fresh bail of Rs.20,000/- with one surety of the like amount to the satisfaction of learned JMFC, Barpeta.

I.A. stands disposed of.

JUDGE

Comparing Assistant