

GAHC010069082024



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

Case No. : I.A.(Crl.)/368/2024

SATYAJIT BORDOLOI AND 2 ORS.
S/O DEBEN BORDOLOI,
VILL.- NIBUKALI, P.S.- NAGAON, DIST.- NAGAON, ASSAM.

2: DEBEN BORDOLOI
S/O LATE ASTRU BORDOLOI

VILL.- NIBUKALI
P.S.- NAGAON
DIST.- NAGAON
ASSAM.

3: BIJU BORDOLOI
W/O DEBEN BORDOLOI

VILL.- NIBUKALI
P.S.- NAGAON
DIST.- NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

24.06.2024

Heard Mr. A.M. Bora, the learned senior counsel assisted by Ms. C. Choudhury, learned counsel appearing for the applicants. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam representing Respondent No.1.

2. This is an application under Section 389 of the Code of Criminal Procedure praying for suspension of sentence passed by the learned Addl. Sessions Judge No.2, Nagaon, Assam in Sessions (T1) Case No.73/2014.

3. The applicants were convicted under Section 304-B of the Indian Penal Code.

4. I have gone through the objection filed by Mr. D. Das.

5. Though the learned trial court has convicted the appellants/applicants under Section 304-B of the IPC, the said court has held that the cause of death of the deceased was not proved.

6. I have gone through the evidence of some witnesses.

7. Considering all those things, the prayer of the applicants are allowed.

8. Accordingly, it is hereby directed that the judgment and order dated 14.08.2023 passed by the learned Addl. Sessions Judge No.2, Nagaon, Assam in Sessions (T1) Case No.73/2014 shall remain stayed till disposal of the connected appeal.

9. The applicants/appellants namely, (1) Satyajit Bordoloi, (2) Deben Bordoloi and (3) Biju Bordoloi shall be released on bail of ₹25,000/- each with sureties of like amount to the satisfaction of the learned Addl. Sessions Judge No.2, Nagaon, Assam.

The Interlocutory Application is disposed of.

JUDGE

Comparing Assistant