

GAHC010069302024



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

I.A.(CrI.)/342/2024

JIYARUL HOQUE
S/O LATE JAMAL ALI
VILLAGE MINI SIMLA
PS HOWLY
DIST. BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

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

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18.04.2024

Heard Mr. R. Ali, learned counsel for the applicant. Also heard Mr. B. Sharma, learned Additional Public Prosecutor.

This application under Section 389 of Code of Criminal Procedure, 1973 has been filed by the applicant Jiyarul Hoque praying for suspension of sentence imposed on him vide judgment dated 20.03.2024 passed by the learned Additional Sessions Judge (FTC), Barpeta in Sessions Case No. 127/2022, whereby the applicant has been convicted under Section 451 of the Indian Penal Code and has been sentenced to undergo rigorous imprisonment for 1 (one) year and to pay a fine of Rs.5,000/- with default stipulation. The applicant has also been convicted under Section 354-B of the Indian Penal Code and has been sentenced to undergo rigorous for 3 (three) years and to pay a fine of Rs.10,000/- with default stipulation.

The aforesaid judgment has been impugned by the present applicant by filing a connected criminal appeal which has been registered as Criminal Appeal No. 102/2024.

The learned counsel for the applicant has submitted that he has an arguable case in the connected appeal and a fair chance of getting an order of acquittal in the connected appeal. He has also submitted that as the applicant has been sentenced to a maximum period of 3 (three) years only, unless the operation of sentence imposed on the present applicant is suspended during the pendency of the connected criminal appeal, he would be highly prejudiced if in the event the connected appeal is decided in his favour.

Considering submissions made by the learned counsel, learned Additional Public Prosecutor does not object to the said prayer. Hence, the prayer is allowed.

Sentence imposed on the applicant by the impugned judgment shall remain suspended during the pendency of the connected Criminal Appeal No. 102/2024

and the applicant shall be allowed to remain on previous bail granted to him by the learned trial court.

With the above observations, this Interlocutory Application is disposed of.

JUDGE

Comparing Assistant