

GAHC010071012024



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

I.A.(CrI.)/331/2024

MD ABDUL KAIUM AL AMIN AND ANR
S/O BASER ALI R/O TANGANMARI
P.S. BOKO DIST. KAMRUP
ASSAM

2: MUSTT. KOMELA BEGUM
W/O BASER ALI R/O TANGANMARI
P.S. BOKO DIST. KAMRUP
ASSAM

VERSUS

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

3: MINUWARA ZINNAH
D/O MOHIR UDDIN VILL- DAKHIN DEKACHANG
P.S. BOKO DIST. KAMRUP
ASSAM

Advocate for : MR F HAQUE
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 08.04.2024

Heard Mr. F. Haque, learned counsel for the applicant. Also heard Ms. B. Bhuyan, learned senior counsel/learned Additional Public Prosecutor assisted by Ms. M. Chakrabroty, learned counsel for the State respondent.

This is an application under Section 389 Cr.P.C. for granting bail to the petitioner by suspending the judgment and order dated 30.10.2019 passed by the learned Judicial Magistrate First Class, Kamrup, Amingaon in G.R. No.909/2016.

It is submitted by the learned counsel for the applicant that by the judgment dated 30.10.2019, the learned Court below convicted the accused appellants under Section 498(A)/323 IPC and sentenced to undergo RI for six months and to pay a fine of Rs.3000/- each and in default one month for the commission of the offence punishable under Section 498(A) IPC.

The judgment and order of the learned JMFC is also upheld by learned District and Sessions Judge, Kamrup, Amingaon in CrI.A. 40/2019.

It is submitted by the learned counsel for the applicant that there is every chance of succeeding in the connected revision petition. However, the accused petitioners were on bail during the entire period of trial and they never jump over the conditions of bail. At present, they are on previous bail.

Accordingly, he prays to allow the accused/petitioners to remain on previous bail/fresh bail and also to pray for suspension of sentence passed by the learned JMFC, Kamrup, Amingaon which was upheld by the learned District & Sessions Judge, Kamrup Amingaon.

In this connection, learned Additional Public Prosecutor has raised no objection.

Considering the submission made by the learned counsel for both sides and the entire aspect of the matter, I hereby find it proper to allow the present petition and suspending the judgment and order dated 30.10.2019 in GR No.909/2016 as well as the impugned judgment and order dated 06.02.2024 passed by the learned District & Sessions Judge, Kamrup, Amingaon in CrI.A. 40/2019.

Till disposal of the connected revision petition, the accused petitioners are directed to go on fresh bail of Rs.10,000/- with a suitable surety of the like amount to the satisfaction of the learned JMFC, Kamrup, Amingaon.

I.A. stands disposed of.

JUDGE

Comparing Assistant