

GAHC010081672023



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

Case No. : I.A.(Crl.) 342/2023
in Crl. A. 145/2023

ROBIUL ISLAM
S/O LALCHAN ALI
VILL.- TIAPARA P.S.- GOALPARA RIVER P.S.
DIST.- GOALPARA ASSAM.

VERSUS

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

2:JAHOR ALI
S/O JUBBAR ALI
VILL.- TIAPARA
P.O.-JOYPUR BAZAR
P.S.- GOALPARA RIVER P.S.
DIST.- GOALPARA ASSAM PIN- 781329.

Advocate for : MR. N UDDIN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 10.01.2024
(M. Zothankhuma, J.)

Heard Mr. N. Uddin, learned counsel for the applicant/appellant and Ms. S. H. Bora, learned Addl. Public Prosecutor, appearing for the State.

This is an application under Section 389 Cr.P.C., praying for suspension of the sentence awarded to the applicant/appellant, pursuant to the judgment dated 10.02.2023, passed by the learned Addl. Sessions Judge, Goalpara, in Sessions Case No. 210/2013.

The evidence of PW1, who is the son-in-law of the deceased and the evidence of PW3, who is the daughter of the deceased and husband of PW1, is to the effect that they saw the applicant take out a *dao* from underneath his shirt and strike the deceased with the *dao*. The blow fell on the neck of the deceased and she died due to the injury sustained by the blow caused by the *dao*.

In view of the evidence of PW1 and PW3, we are not inclined to allow the application for suspending the sentence and releasing the applicant on bail at this stage.

The interlocutory application is accordingly rejected and disposed of.

JUDGE

JUDGE

Comparing Assistant