

GAHC010087902024



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

Case No. : I.A.(Crl.)/479/2024

AKKASH MOLLAH
S/O LATE KHURSED MOLLAH,
R/O VILL.- SEORACHARA RESERVE, UNDER KALGACHIA POLICE
STATION, IN THE DISTRICT OF BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z KAMAR,

Advocate for the Respondent : PP, ASSAM,

Linked Case : Crl.A./110/2024

AKKASH MOLLAH
S/O LATE KHURSED MOLLAH

VILL.- SEORACHARA RESERVE
UNDER KALGACHIA POLICE STATION
IN THE DISTRICT OF BARPETA
ASSAM.

VERSUS

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

Advocate for : MR Z KAMAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 21.08.2024

Heard Mr. Z. Kamar, the learned Senior Counsel assisted by Mr. A. Shorif appearing for the applicant as well as Mr. D. Das, the learned Additional P.P. for the State of Assam.

2. This is an application u/s 389 (2) of the Code of Criminal Procedure praying for suspension of sentence, stay of realization of fine and for releasing the applicant on bail.

3. The applicant was convicted u/s 304 Part-II of the Indian Penal Code vide judgment dated 19.02.2024 passed by the learned Sessions Judge, Barpeta in Session Case No. 338/2015. He was sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs. 5,000/- with default stipulations.

4. I have gone through the judgment dated 19.02.2024 passed by the learned Sessions Judge, Barpeta.

5. The charge sheet was filed u/s 302 of the Indian Penal Code and charge was also framed under the said section of law.

6. On the basis of the said judgment, the trial court convicted the petitioner u/s 304 Part-II of the Indian Penal Code.

7. After considering all the materials available before me, the petitioner at this stage does not deserve to be detained in custody for further period of time.

8. Therefore, the operation of the judgment 19.02.2024 passed by the learned Sessions Judge, Barpeta in Session Case No. 338/2015 convicting the present applicant u/s 304 Part II of the IPC shall remain stayed till disposal of the connected appeal.

9. It is hereby directed that the applicant, namely, Akkash Mollah shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Sessions Judge, Barpeta.

10. The interlocutory application stands disposed of accordingly.

JUDGE

Comparing Assistant