

GAHC010106652023



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

Case No. :

I.A.(Crl.)/597/2023

NILKAMAL RABHA
S/O- LATE MOHAN RABHA

R/O- VILLAGE LOHARGHAT GODAIGURI
P.S.0 PALASBARI
DISTRICT- KAMRUP
ASSAM.

VERSUS

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

2:BARUN SANGMA
S/O- BAGA RAM DAS
R/O- VILLAGE BORJULI
P.S.- PALASBARI-781128.

Advocate for : MR K K KALITA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.
IN

Crl.A./249/2023

NILKAMAL RABHA
S/O- LATE MOHAN RABHA, R/O- VILLAGE LOHARGHAT,
GODAIGURI, P.S.- PALASBARI, DISTRICT- KAMRUP,

GUWAHATI- ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY PP, ASSAM.

2:BARUN SANGMA
S/O- BAGA RAM DAS
R/O- VILLAGE BORJURI
P.S.0 PALASBARI-781128

Advocate for the Petitioner : MR K K KALITA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

12.03.2024

Heard Mr. B. Prasad, learned counsel for the applicant. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, appearing for the State respondent. Also heard Mr. D. Kalita, learned counsel for the respondent No.2/informant.

This is an application filed under Section 389(2) of the Cr.P.C., 1973 for suspension of execution of sentence in relation to judgment and order dated 19.03.2018 passed by the learned Sessions Judge, Kamrup, at Amingaon in Special Sessions (POCSO) Case No. 09/2014, whereby the appellant was convicted under Section 5(g) of the POCSO Act, 2012 and sentenced him to undergo R.I. for 10 years and to pay a fine of Rs. 5,000/- in default to undergo R.I. for 2(two) months under Section 6 of the POCSO Act, 2012 and to release him on bail during the pendency of the appeal.

Mr. B. Prasad, learned counsel for the applicant submits that the co-accused, similarly situated has already been granted bail by the co-ordinate bench of this court, by order dated 14.09.2022.

Mr. K.K. Parasar, learned Additional Public Prosecutor, appearing for the State respondent opposes the prayer for bail.

I have heard the submissions made at the bar and have perused the materials available on record.

Considering the fact that the applicant has served out the sentence of 6 years 7 months out of 10 years of imprisonment, subject to final hearing on connected appeal, it is provided that the operation of sentence passed in Special Sessions (POCSO) Case No. 09/2014 on 19.03.2018 shall remain stayed till disposal of the connected appeal No. 249/2023.

The applicant is directed to be released on bail of Rs. 40,000/- with a suitable surety of like amount to the satisfaction of the learned Sessions Judge, Kamrup, at Amingaon.

With the above directions, this Interlocutory Application stands allowed and disposed of.

JUDGE

Comparing Assistant