

GAHC010139872024



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

Case No. : I.A.(Crl.)/639/2024

ACHMA BEGUM @ MUSSTT. ACHMA BEGUM
W/O LATE NUMAN ALI
R/O SHERALIPUR
CHINANAI
P.S.- R.K. NAGAR
DIST.- KARIMGANJ (ASSAM).

VERSUS

THE STATE OF ASSAM
W/O LATE NUMAN ALI
R/O SHERALIPUR
CHINANAI
P.S.- R.K. NAGAR
DIST.- KARIMGANJ (ASSAM).

Advocate for : MR. I U CHOWDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

30-08-2024

Heard Mr. H R A Choudhury, learned Senior counsel assisted by Mr. A Ahmed, learned for the applicant and Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the State.

2. The applicant as an appellant preferred the connected appeal being CrI. A. No. 216/2024 challenging the order of conviction and sentence dated 24.06.2024 passed by learned Sessions Judge, Karimganj in Sessions Case No. 59/2015 arising out of Ramkrishna Nagar P.S. Case No. 92/2011 whereby she has been convicted under Section 326/307 IPC and sentenced to undergo Rigorous Imprisonment for 3 years with fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for 6 months for committing the offence under Section 326 IPC and further to undergo R I for 3 years with fine of Rs.5,000/-, in default, to undergo further S I for 6 months for committing the offence under Section 307 IPC.
3. Said statutory appeal of the applicant has already been admitted on 25.07.2024.
4. By this application, the applicant has prayed for suspension of the said sentence dated 24.06.2024, passed by learned Sessions Judge, Karimganj in Sessions Case No. 59/2015, noted above and to allow her to remain on previous bail or to allow her go on fresh bail.
5. It is to be noted herein that during the investigation and trial of said Sessions Case No. 59/2015, the applicant was on bail.
6. Mr. H R A Choudhury, learned Senior counsel for the applicant has also placed a copy of the order dated 24.06.2024, passed by the learned Sessions Judge, Karimganj in Sessions Case No. 59/2015, whereby after such conviction and sentence on her prayer she was allowed to remain on previous bail, as she submitted that she shall prefer an appeal against the said judgment of conviction and sentence dated 24.06.2024 passed against her.
7. After hearing the learned counsels for the parties and on perusal of the case records, the order of sentence dated 24.06.2024, passed by learned Sessions Judge, Karimganj in Sessions Case No. 59/2015 arising out of Ramkrishna Nagar Police Station Case No. 92/2011 with regard to the present applicant, namely, **Achma Begum @ Musstt. Achma Begum** is suspended, until further order of the Court.
8. Further, it is directed that the applicant, namely, **Achma Begum @ Musstt. Achma Begum** be released on bail on furnishing a bail bond of Rs. 25,000/- with 2 (two) local sureties of the like amount to the satisfaction of the learned Sessions Judge, Karimganj, by the applicant named above, as per the terms and conditions that may be set forth by the said learned Judge securing the presence of the present convicted applicant/appellant before the

Court as and when she is required in connection with said Sessions Case No. 59/2015.

9. With the above observations and directions, this Interlocutory Application stands allowed.

JUDGE

Comparing Assistant